



W.P.(MD) No.4505 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.4505 of 2020
and WMP(MD) Nos.3817 and 3818 of 2020

P.Thacker Poomathi

... Petitioner

-VS-

1.The State of Tamil Nadu

Rep. By its Secretary to Government

Municipal Administration and Water Supply (Metro Water)

Department

Fort st. George, Chennai.

2.The Director of Town Panchayats,

Directorate of Town Panchayats,

Kuralagam, Chennai.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records in connection with the impugned order passed by the 1st respondent herein in G.O.(Ms) No.33, Municipal Administration and Water Supply (Metro Water) Department, dated 27.02.2014 and quash the same as illegal.

For Petitioner :

Mr.S.Bharathi Kannan

For Respondents :

Mr.G.V.Vairam Santhosh

Additional Government Pleader



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W.P.(MD) No.4505 of 2020

ORDER

Challenging the impugned order of the 1st respondent dated 27.02.2014, the petitioner is before this Court.

2.The case of the petitioner in nutshell is as follows:

After completion of SSLC in the year 1985, the petitioner completed National Trade Certificate in Draughtsman (Civil) in 1993 and had also passed three year Diploma in Civil Engineering through distance education in Janardan Rai Nagar Rajasthan Vidyapeeth University, Udaipur, which is recognized by the UGC. After qualified in the departmental examination conducted by the TNPSC, the petitioner was appointed as Work Inspector on 20.10.2008 and posted at Manavalakurichi Town Panchayat, Kanyakumari District and the time scale of pay was fixed at Rs.3050-75-3950-80-4590/-. He was subsequently promoted as Work supervisor (Overseer) on 03.03.2016, on which date, he was transferred to Surandai Town Panchayat. Thereafter on 04.11.2016 again transferred to Radhapuram Town Panchayat. Employees like the petitioner are governed by Tamil Nadu District Municipalities Act and the Tamil Nadu Municipal



W.P.(MD) No.4505 of 2020

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Engineering Service Rules, 1997 do not have any role to play regarding these employees. On 05.02.2016, the Municipal Administration and Water Supply Department issued an order thereby promoting the persons to the posts of Draughtsman and seniority and the ratio between the work inspectors and skilled Assistants Grade I and II was fixed at 5:1. However, on 26.11.2016, a reversion order was passed against the petitioner stating that the educational qualification of Diploma/BE acquired through Distance Education cannot be considered as equivalent to the qualification acquired through regular stream for employment in public service. As against the said reversion order, he filed W.P.(MD) No.23265/2016, wherein, this Court granted an order of stay and subsequently, the said writ petition came to be dismissed by this Court. However, the respondents filed counter affidavit in the said writ petition by taking a stand that as per G.O.Ms.No.33 dated 27.02.2014, the diploma obtained from the Rajasthan deemed University has been declared to be not equivalent to the diploma awarded by the Board of Technical Education and Training in Tamilnadu. Challenging the said impugned G.O., the petitioner is before this Court.



W.P.(MD) No.4505 of 2020

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3. The learned counsel for the petitioner would submit that the reversion order was passed solely on the ground that the degree obtained by the petitioner is not equivalent to the degree issued by the State of Tamil Nadu under the regular stream and further the degree granted by the State of Tamilnadu and degree obtained by the Distance Education is one and the same and it is also approved by the AICTE. When that be so, the learned counsel would contend that the said G.O. issued stating that the diploma obtained from the Rajasthan deemed University is not in consonance with the degree obtained from the State of Tamilnadu is illegal, arbitrary and hence, prays for interference.

4. By relying upon the counter affidavit, the learned Additional Government Pleader would submit that when similar issue came up before the Apex Court, the Apex Court suspended all degrees in Engineering granted to the students, who were enrolled during the academic year 2001-2005 and annulled the degrees of students admitted after 2001 to 2005. He would contend that it is clearly mentioned in para No.2 of the UGC notification dated 14.10.2013 that the degree and diplomas awarded



W.P.(MD) No.4505 of 2020

by the open universities in conformity with the UGC notification of degrees be treated as equivalent to corresponding awards of the traditional Universities. It is further contended that the Ministry of Human Resources Development has notified the Institutions of National Importance declared under an Act of Parliament are different from the regular or deemed to be Universities. The Janardan Rai Nagar Rajasthan Vidyapeeth University is not declared as an institution of National Importance under the Act of Parliament. However, it was granted institutional recognition to conduct courses in distance education mode by the distance education council subject to obtaining requisite approval for respective courses from the competent authority, viz., AICTE etc. Hence, the G.O.No.33 was issued as per the resolution of equivalence committee. He would further contend that in the web portal, it is clearly mentioned that the Rajasthan University was granted institutional recognition to conduct courses in distance education mode for the period 2007-08 to 2011-12.

5. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents and perused the materials available on record.



W.P.(MD) No.4505 of 2020

WEB COPY

6. Admittedly the petitioner entered in the service of the Town Panchayat as Work Inspector and subsequently promoted as Work Supervisor from the feeder category of Work Inspector. When verification was carried out by the authorities with regard to qualification, it came to light that persons, who have completed through distance education have got promotion. It is the respondents stand that the degree obtained through distance mode is not equivalent to the degree obtained in regular stream for public employment. Since the petitioner obtained his Diploma through distance education from the deemed University, the petitioner was reverted back. When the reversion order was challenged before this Court in the writ petition (supra), the said writ petition was dismissed recording the counter affidavit of the respondents and based on G.O.Ms.No.33, which is under challenge in this writ petition.

7. This Court perused the impugned G.O. A perusal of the same would reveal that an expert committee was appointed for deciding the equivalency. Accordingly, the equivalence committee held that the degree obtained through distance education by the Janardan Rai Nagar Rajasthan



W.P.(MD) No.4505 of 2020

Vidyapeeth is not equivalent to the diploma in civil engineering awarded by the board of Technical Education and Training for holding the post of Surveyor cum Draughtsman. When already the expert opined that the certificate awarded by the distance education is not equivalent to the certificate issued by the Technical Education and Training, especially for the post of Surveyor cum Draughtsman, which gave its finding, then, this Court cannot substitute its reasons and hold that the said degree is equivalent and conduct a roving enquiry under Article 226 of the Constitution of India.

8. For these reasons, the prayer that has been sought for in the present writ petition cannot be granted and the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

07.12.2022

Index : Yes
Internet : Yes/No

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W.P.(MD) No.4505 of 2020

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W.P.(MD) No.4505 of 2020

M.DHANDAPANI, J.

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W.P.(MD) No.4505 of 2020

07.12.2022