



W.P.No.17610 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.17610 of 2023

Thirumalmurugan

..

Petitioner

Vs

- 1.The Government of Tamil Nadu,
rep. by its Additional Chief Secretary,
Secretariat, Chennai-600 009.
- 2.The Government of Pudhucherry,
through the Chief Secretary to Government,
Chief Secretariat, Puducherry.
- 3.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai-600 009.
- 4.The Principal Secretary to Government,
Department of Education,
Puducherry.
- 5.All India Council for Technical Education,
Indira Gandhi Sports Complex,
I.P. Estate, New Delhi-110 002.



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6.University Grants Commission,
rep. by its Secretary,
Bahadurshah Zagar Marg,
New Delhi-110 022.

7.The Distance Education Council,
rep. by its Director,
Maidan Garhi,
New Delhi-110 068.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second and third respondents to issue a circular/clarification/order to consider the judgment of the Supreme court in Orissa Lift Irrigation Corp. Ltd., v. Rabi Sankar Patro and Ors Civil Appeal Nos.17869-17870/2017 dated 13.11.2017 and judgment of the Punjab and Haryana High Court in All India Council for Technical Education Vs. Jatinder Singh LPA No.474 of 2020 dated 28.09.2022 when considering promotion of employees who have completed B.E/B. Tech and M.E/M. Tech in distance mode.

For the Petitioner : Ms.M.Karpagam

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for respondents 1 and 3

: Mr.S.Raveekumar
Govt. Pleader (Puducherry)
for respondents 2 and 4



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ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Ms.M.Karpagam, learned counsel for the petitioner; Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 and 3; and, Mr.S.Raveekumar, learned Government Pleader (Puducherry) for respondents 2 and 4.

2. The present writ petition is filed in public interest.

3. Learned counsel for the petitioner submits that respondents 2 and 3 may be directed to issue circular/clarification/order to consider the judgment of the Supreme Court in the case of *Orissa Lift Irrigation Corporation Limited v. Rabi Sankar Patro and others*, (2018) 1 SCC 468, while considering promotion of employees who have completed B.E./B.Tech. and M.E./M.Tech. in distance mode and pass orders as it may deem fit.



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4. The present public interest litigation is filed on the ground that while considering the promotions of employees who have completed B.E./B.Tech. and M.E./M.Tech. in distance mode, the judgment of the Apex Court in *Orissa Lift Irrigation Corporation Limited*, supra, may be adhered to.

5. If the promotional right of any person is affected by the action of the respondents, then the aggrieved party can approach the court. The public interest litigation cannot be filed in service matters and/or in matters affecting the service conditions. The only exception is seeking issuance of a writ of quo warranto.

6. The aggrieved person can always approach the court if his/her rights of promotion are affected.

7. The public interest litigation, as such, stands disposed of. There will be no order as to costs. Consequently,



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W.M.P.No.16698 of 2023 is closed.

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(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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To:

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- 1.The Additional Chief Secretary,
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- 2.The Chief Secretary to Government,
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Chief Secretariat, Puducherry.
- 3.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai-600 009.
- 4.The Principal Secretary to Government,
Department of Education,
Puducherry.
- 5.All India Council for Technical Education,
Indira Gandhi Sports Complex,
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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