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W.P.Nos.18474 of 2020 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM :

THE HON'BLE Ms. JUSTICE R.N. MANJULA

W.P.Nos.18474,18484,10711,10713,10714, 10716, 18480 &10718 of 2020
and
WMP.Nos.13009, 22915 & 22919 of 2020

In W.P.No.18474 of 2020:

1.V.Sekar
2.B.Arivazhagan
3.P.K.Rajagopalan

... Petitioners

Versus

1.The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, NPKRR, Maligai,
Chennai – 600 002.

2.The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, NPKRR, Maligai,
Chennai – 600 002.

... Respondents

PRAYER in W.P.No.18474 of 2020: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to take note of the “Certificate for Validation of Degree” issued by the (AICTE) All India Council for Technical Education/(UGC) University Grants Commission certifying that the B.Tech in Electrical Engineering Degree awarded by the Institute of Advanced Studies in Education University of Gandhi Vidhya Mandir, Sardarshahr (Rajasthan) to the petitioners is validate and in compliance with the order of the case of Orissa Lift Irrigation Corporation Ltd. Vs. Rabi Sanka Patro dated 03.11.2017 reported in 2018 (1) SCC 468 and to issue



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appointment to the petitioners to post of Assistant Engineer (Electrical) by way of Internal Selection with effect from the year of 2009 selection by giving appropriate seniority and grant all other consequential benefits to the petitioners.

For Petitioners : Mr. K. Sasindran
(in all cases)
For Respondents : Mr. K. Rajkumar Senior Counsel
(in all cases) for TANGEDCO (TNEB)

COMMON ORDER

All these Writ Petitions have been filed seeking a direction to direct the respondents to take note of the “Certificate for Validation of Degree” issued by the (AICTE) All India Council for Technical Education/(UGC) University Grants Commission certifying that the B.Tech in Electrical Engineering Degree awarded by the Institute of Advanced Studies in Education University of Gandhi Vidhya Mandir, Sardarshahr (Rajasthan) to the petitioners is validate and in compliance with the order passed in the case of, *Orissa Lift Irrigation Corporation Ltd. Vs. Rabi Sanka Patro* dated 03.11.2017 reported in 2018 (1) SCC 468 and to issue appointment to the petitioners to the post of Assistant Engineer (Electrical) by way of Internal Selection with effect from the year of 2009 selection by giving appropriate seniority and grant all other consequential benefits to the petitioners.



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2.The petitioners who said to have completed B.Tech Degree through the distance mode of education at Rajasthan University applied for the post of Assistant Engineer through the engineers selection in the year 2009 basing on the above qualification. However, their applications were not considered because they got the degree through distance educational mode. The petitioners sought to consider the order passed by the ***Orissa Lift Irrigation Corporation Ltd. Vs. Rabi Sanka Patro dated 03.11.2017 reported in 2018 (1) SCC 468***, in support of their contention. After getting a due notification for getting validation of the courses, they participated in the examination conducted by AICTE and UGC for those who have obtained the degree through the distance education mode and cleared it successfully. Even thereafter their request was not considered, therefore, all the petitioners have made a representation dated 17.02.2020 to appoint them to the post of Assistant Engineer (Electrical) with effect from the year 2009. Having no other option left open to the petitioners, they have come up with the above Writ Petitions.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the material available on records.



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4.It is seen in the counter filed by the second respondent that as mentioned by the learned counsel for the petitioner, a similarly placed person was before this Court in W.P.No.33033 of 2019 and in which this Court has already passed an order to grant the benefit to the petitioners. However, the learned counsel for the respondents has submitted that as against the Judgment of ***Orissa Lift Irrigation Corporation Ltd. Vs. Rabi Sanka Patro (cited supra)***. The learned counsel for the petitioner would submit that an appeal filed in W.A.No.681 of 2020 and the same was allowed, aggrieved over the same, a review application in Rev.Appl.No.143 of 2023 was filed and the same is pending. Despite the petitioners have taken several steps and made joint representations, the respondents have not considered so far. Now, it is reported by the learned counsel for the respondents that if the petitioners made a fresh representation, they would considered the same and pass appropriate orders subject to the outcome of the review application filed before this Court.

5.In view of the above, it is open to the petitioner to give a fresh representation to the authorities concerned after waiting for the outcome of the review application and upon receipt of the same, the respondents shall



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consider the same and pass orders in accordance with the law, within a period of four weeks from the date of receipt of a copy of that representation.

6. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

31.10.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

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