



W.P.No.19171 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.19171 of 2020

and

W.M.P.No.23749 of 2020

D.Madhanagopal

...

Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamilnadu Generation and Distribution Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.

2. The Secretary,
Tamilnadu Generation and Distribution Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.

3. The Chief Engineer / Personnel
Tamilnadu Generation and Distribution Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.

4. J.Murugan,
Assistant Engineer (Civil)
Tamilnadu Generation and Distribution Corporation Ltd.,
O/o. the Chief Engineer/Distribution,
Trichy Region, Trichy.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records of the 3rd Respondent bearing Letter No.003132/24/G.55/G551/2012-1, dated 27.01.2012 and quash the same and direct the third respondent to include the name of the petitioner on par with the Juniors i.e., 4th Respondent who was already promoted and consequently appoint the petitioner in the post of Assistant Engineer, Civil, if otherwise qualified.

For Petitioner : Mr.Chandrasekar.P

For Respondents : Mr.K.Rajkumar,
Standing counsel for TNEB

ORDER

This Writ Petition has been filed for issuing a Writ of Certiorarified Mandamus to quash the Orders passed by the 3rd Respondent bearing Letter No.003132/24/G.55/G551/2012-1, dated 27.01.2012 and for a consequential direction to the third respondent to include the name of the petitioner on par with the Juniors i.e., 4th Respondent who was already promoted and appoint the petitioner in the post of Assistant Engineer, Civil, if otherwise qualified.



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2. The brief facts of the case are as follows:

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The petitioner is working with the respondent Electricity Board. The Tamil Nadu Electricity Board Service Regulation prescribed B.E.Degree (Civil) for the post of Assistant Engineer (Civil). The petitioner has applied to the post of Assistant Engineer notified by the 3rd respondent as the petitioners have got B.E.Degree in Civil Engineering through Distance Education mode from Vinayaka Mission University, Salem during the Academic Year 2005-2009. The petitioner has undergone B.E.Degree after getting due permission from the respondent Department. However, the Government of Tamil Nadu did not recognise technical degrees obtained through distance mode. Hence, the application filed by the petitioner for internal selection of Assistant Engineers (Civil) post during the year 2012 was rejected and his junior was given opportunity.

3. When a similar matter deliberated before the Hon'ble Supreme Court of India by the petitioners from Rajasthan and Orissa in SLP Nos.19807-19808/2012, the Apex Court while suspending the degrees obtained through distance education, instructed UGC -AICTE to conduct



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examinations so as to validate their degrees obtained through distance mode and also directed to restore their legal rights such as promotion and appointment with retrospective effect. The petitioner had completed the above said examinations conducted by UGC-AICTE and got his degrees validated. After validating his degree as per the directions of the Hon'ble Supreme Court, the petitioner applied to the post of Assistant Engineer (Civil) in the respondent Electricity Board and requested to reconsider the internal selection for the year 2012, in which his juniors were given opportunity. The request of the petitioner was not considered so far. Hence, the petitioner preferred this Writ Petition to quash the order of the 3rd respondent in Letter No.003132/24/G.55/G551/2012-1, dated 27.01.2012.

4. Mr.Chandrasekar.P, learned counsel for the petitioners submitted that the petitioner had appeared for the qualifying examination conducted by UGC for validating his B.E.Degree obtained through distance mode from Vinayaka Mission University, Salem. The petitioner was also given the Certificate of Validation by UGC. In fact as per G.O.Ms.No.117, Higher Education (K2) Department, dated 02.07.2013, B.E.Degree obtained



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through distance mode through Vinayaga Mission University, Salem was validated on passing the qualifying examination conducted by UGC/AICTE (as per the direction of the Hon'ble Supreme Court). Despite the same, the representations made by the petitioner was not considered and he was not included in the panel of the year 2012 when his junior was promoted.

5. It is learnt that the impugned proceedings in Letter No.003132/24/G.55/G551/2012-1, dated 27.01.2012 has been issued prior to the issuance of the Government Order in G.O.Ms.No.117, Higher Education (K2) Department, dated 02.07.2013. Subsequently there is an amendment in the Tamil Nadu Electricity Board Service vide (Per) FB TANGEDCO Proceedings No.3, dated 09.01.2015 and it clarifies that the petitioner's B.E.Degree obtained through Distance Education mode from Vinayaka Mission University was very much recognised through the examination conducted by UGC /AICTE and his B.E.Degree is validated subsequently.

6. In this circumstances, it is unnecessary to call for records of the



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3rd respondent pertaining to Letter No.003132/24/G.55/G551/2012-1, dated 27.01.2012 for setting aside the same. The Board has issued its own regulations so as to include the degree recognised by UGC. Hence, I feel it is sufficient to give a direction to the 3rd respondent to consider the representation of the petitioner, dated 01.12.2020 in terms of developments that had happened subsequent to the orders passed by the Hon'ble Supreme Court in SLP Nos.19807-19808 of 2012 cited supra and pass appropriate orders by including the name of the petitioner in the promotion panel of the year 2012, if he has the other prescribed qualification, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2023

Index: Yes / No
Speaking order / Non-speaking order
vum

To:



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R.N.MANJULA ,J.



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