



WEB COPY



W.P.No.8892 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.8892 of 2021

M.Thambidurai

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Petitioner

/vs/

1. The Chief Engineer / Personnel

Tamil Nadu Electricity Board / TANGEDCO,
8th Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai – 600 002.

2. The Chairman,

Tamil Nadu Electricity Board / TANGEDCO,
8th Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai – 600 002.

3. The Member Secretary,

All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj, New Delhi – 110 070.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to appoint the petitioner in the post of Technical Assistant (Mechanical) instead of helper as per the



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Diploma Certificate passed in the month of June, 2014 from the date of initial appointment i.e. 27.07.2015 retrospectively with all consequential service and monetary benefits by prefixing his seniority based on (Per) FB TANGEDCO proceedings No.4, dated 27.07.2015 along with G.O.Ms.39 dated 30.04.2014, G.O.Ms.65, dated 02.07.2014, clarification letter dated 10.11.2014 issued by Personnel and Administrative Reforms Department (Per) FB TANGEDCO Proceedings No.3 (Secretariat Branch) dated 9.1.2015 of the respondents Corporation, and the 3rd respondent Circular dated 25.11.2020 in F.No.AICTE/P&AP/IGNOU/Misc./2020 within the time limit fixed by this Court.

For Petitioner ... Mr.G.Murugesan

For Respondent ... Mr.K.Rajkumar
Standing Counsel for TNEB for R1 & R2

Mr.B.Rabu Manohar for R3

ORDER

The petitioner who got appointed as 'Helper' in the respondent department on compassionate ground has filed this writ petition seeking direction to consider his representation for accommodating him in the post of



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'Technical Assistant' by taking into consideration of his certificate in Diploma in Mechanical Engineering which was obtained from Indira Gandhi National Open University.

2. Mr.G.Murugesan, the learned counsel for the petitioner, submitted that as per the Letter No.32194/G.19/G.191/2023-1, dated 12.12.2013, addressed by the first respondent to the other Chief Engineers and Superintending Engineers of TANGEDCO with regard to the internal appointments, it has been stated that the employees who have studied Diploma / Degree in Indira Gandhi National Open University (IGMOU) by Vertically Integrated Engineering Programme (VIEP) during the period between 2009 – 2012 and covered in the order of the Hon'ble Supreme Court dated 18.09.2020 are eligible to be appointed as Technical Assistant / Electrical through internal selection. It is further submitted that the petitioner had obtained Diploma in the year 2014 and as per the submission of the petitioner, he was studying Diploma Course during the year 2009-2012.



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3. Mr.K.Rajkumar, the learned Standing Counsel for the respondents 1 & 2, submitted that at the time of giving representation for appointment under compassionate scheme, the petitioner had only produced his I.T.I. Certificate and had not furnished any Diploma Certificate; on the basis of the materials produced by him, he had been appointed to the post of 'Helper'; having accepted the appointment, the petitioner cannot now turn around and claim that he ought to have been appointed as 'Technical Assistant'.

4. The petitioner had not applied to the post of 'Technical Assistant' through any internal recruitment but his appointment is through compassionate scheme. Since the petitioner had produced only his I.T.I. Certificate, he can only expect an appointment suiting to the qualification for which he had produced the certificates. If any proposal to fill up the vacancies to the post of 'Technical Assistant' is called for through internal selection as per the service regulations of TANGEDCO, it is open to the petitioner to apply for the said post and compete.



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5. The petitioner can also have the liberty to register his educational qualification in the Diploma Course in the Service Register and that can be later utilized by him for the purpose of applying for any internal selection to the post of technical assistant. It is up to the petitioner to give any fresh representation to the respondents by renewing his prayer sought in this writ petition and on receipt of the same, the respondents can consider the same in accordance with the existing rules and regulations and pass appropriate orders within a period of four weeks from the date of receipt of the representation from the petitioner.

6. With the above observation, this writ petition is disposed. No costs.

07.02.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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R.N.MANJULA ,J.

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