



WEB COPY



W.P.No.6547 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6547 of 2024

1.K.Muthusamy

2.V.Jeganathan

.... Petitioners

Vs

1. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by the Managing Director,
3/137 Salamedu,
Valudhareddy Post,
Villupuram – 605 602.

2. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by the Senior Deputy Manager (HRD)
3/137 Salamedu,
Valudhareddy Post,
Villupuram – 605 602.

3. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by the General Manager,
Kancheepuram Regional Office,
Ponnerikkarai, Karapettai,
Chennai Bengaluru Highway,
Kancheepuram – 631 552.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to include the names of the petitioner in the seniority list of Assistant Engineers with degree



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qualification at the appropriate place taking into consideration of their degree certificates in compliance with the guidelines of the AICTE issued in its Approval Process Handbook and ensure their future promotion from the seniority list of Assistant Engineers with degree qualification.

For Petitioner : Mr.N.Ishak

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel.

ORDER

This Writ Petition has been filed for a direction directing the respondents to include the names of the petitioners in the seniority list of Assistant Engineer with degree qualification at the appropriate place.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The first petitioner was initially appointed as Junior Engineer on 24.10.1998 and subsequently, he was promoted to the post of Assistant Engineer with effect from 01.11.2004. The second petitioner was initially appointed as Junior Engineer on 01.11.2010 and subsequently, he was promoted to the post of Assistant Engineer with effect from 28.02.2016. While they were in service, the petitioners obtained permission from the respondents



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Transport Corporation to do B.E. part time course in Sri Chandrasekharendra Saraswathi Viswa Mahavidyalaya in Kancheepuram, a Deemed University.

Thereafter, the petitioners had acquired B.E. Mechanical Engineering in the month of November 2011 & December 2015 respectively.

4. The respondents had exhibited two separate lists of seniority of Assistant Engineers on 31.05.2017. The first seniority list was maintained for Diploma Holders and the other one was for Degree Holders. However, the petitioners name were shown in the Diploma Holders seniority list. Therefore, the petitioners submitted objections to exclude their names in the seniority list of Diploma Holders and include their names in the seniority list of Degree Holders. The request made by the petitioners was rejected on the ground that there was no approval by the AICTE for their College of study. However, similarly placed one Sachithanandam was considered and his name appeared in the seniority list of Degree Holders.

5. The learned counsel appearing for the petitioners pointed out that the AICTE approval was there from the year 1999 for the B.E. Mechanical Engineering course for their College, viz., Sri Chandrasekharendra Saraswathi Viswa Mahavidyalaya, Kancheepuram. That apart, as per the Gazette



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Notification No.F.9-9/92-U.3, dated 26.05.1993, the Government of India

declared that the petitioners' College is deemed to be a University. Further, the AICTE had also approved the B.E. Mechanical Engineering course by a letter dated 28.06.1999. Further, for the Deemed to be Universities, it became mandatory to have AICTE approval only from the Academic Year 2018-19 in compliance with the order dated 03.11.2017 in C.A.No.17869-17870/2017 of the Hon'ble Supreme Court of India. Therefore, the AICTE approval was not mandatory during the period of petitioners' study, i.e, in the year 2011 and 2015.

6. Considering the facts and circumstances of the case, the respondents are directed to include the names of the petitioners in the seniority list of Assistant Engineer with Degree qualification in the appropriate place in compliance with the guidelines of the AICTE issue in its approval process and also ensure their future promotion in the seniority list of Assistant Engineer with Degree qualification.

7. With the above direction, this Writ Petition stands disposed of.

No costs.



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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137 Salamedu,
Valudhareddy Post,
Villupuram – 605 602.

2. The Senior Deputy Manager (HRD)
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137 Salamedu,
Valudhareddy Post,
Villupuram – 605 602.

3. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Regional Office,
Ponnerikkarai, Karapettai,
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G.K.ILANTHIRAIYAN. J.

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