



W.A.Nos.123 & 124 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.Nos.123 & 124 of 2010

[W.A.No.123 of 2010]:

B.Krishna Kumar

... Appellant

Vs.

1. The Tamil Nadu Electricity Board,
Rep. by The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-2.

2. The Chief Engineer/Personnel,
Tamil Nadu Electricity Board,
8th Floor, NPKRR Maaligai,
800, Anna Salai, Chennai-2.

3. S. Elango

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to allow the writ appeal by setting aside the order passed in W.P.No.13728 of 2009 dated 06.01.2010.

[W.A.No.124 of 2010]:



W.A.Nos.123 & 124 of 2010

M.Rajiv Suresh

... Appellant

Vs.

1. The Tamil Nadu Electricity Board,
Rep. by The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-2.

2. The Chief Engineer/Personnel,
Tamil Nadu Electricity Board,
8th Floor, NPKRR Maaligai,
800, Anna Salai, Chennai-2.

3. E. Govindasamy

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to allow the writ appeal by setting aside the order passed in W.P.No.13715 of 2009 dated 06.01.2010.

For Appellants
in both the Writ Appeals : Mr. Murali Krishnan

For Respondents
in both the Writ Appeals : Mr. K. Raj Kumar, Senior Counsel
(for R1 & R2);

: Mr. L. Chandra Kumar (for R3).



W.A.Nos.123 & 124 of 2010

COMMON JUDGEMENT

WEB COPY (Judgement of the Court was delivered by S.M.Subramaniam J.)

The present writ appeal was disposed of by the Division Bench on 15.7.2010. Challenging the said order, the Tamil Nadu Electricity Board preferred Civil Appeal No.4272 & 4273 of 2017. The Hon'ble Supreme Court of India, by order dated 20th march 2017, remanded the matter to the High Court for afresh consideration in accordance with law. Accordingly, the writ appeal was taken up for final hearing.

2. The appellants are working as Junior Engineer and Assistant Programmer respectively, in Tamil Nadu Electricity Board. The next avenue for promotion is to the post of Assistant Engineer Electrical.

3. The learned counsel for the appellants, Mr.R.Muruli Krishnan would submit that as per 'Note-2' of the service regulations of Tamil Nadu Electricity Board, *“In cases where the Regulations prescribes Diploma in a particular subject as a qualification, then a degree in that subject should be deemed to be a higher qualification, and where a lower qualification or its equivalent is prescribed for appointment to any category, a person possessing a higher qualification will be eligible for appointment.”*



W.A.Nos.123 & 124 of 2010

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4. Relying on the said Note-2 to Regulation 94, the learned counsel for the appellants would submit that the appellants have possessed higher qualification of M.E. Computer Science and Engineering, and M.Tech in Computer Science and Engineering. By virtue of the higher qualification, the appellants are eligible for promotion to the post of Assistant Engineer.

5. The regulation for internal selection or direct recruitment to the post of Assistant Engineer (Electrical) is extracted as under:

(1)	(2)	(3)	
Assistant Engineer [Electrical]	Internal Selection or Direct recruitment	(a)	Must not have completed or will not complete 30 years of age on the first day of July of the year in which the selection for appointment is made, if recruited direct.
		(b) (i)	## A Degree in Electrical and Electronics Engineering or Electronics and Communication Engineering or Instrumentation Engineering or Computer Science / Information Technology Engineering or equivalent thereto of any University recognized by the University Grants Commission. ## ## Substituted vide (Per) B.P.(FB) No.7 (SB), dt.8.2.2006. or
		(ii)	A Diploma in Electrical Engineering of the College of Engineering Guindy obtained before 1944; or



W.A.Nos.123 & 124 of 2010

(1)	(2)	(3)
		(iii) Subject to the following conditions, a pass in Sections A and B of the A.M.I.E. (Ind.) Examination, with Electrical Engineering (General) and any two of the following subjects under section B as optional or additional subjects: i. Electrical Supply and Power Distributions. ii. Electrical Machinery. iii. Electrical Installation. iv. Electrical Measurements. v. Thermodynamics and Heat Engines (Steam and Internal Combustion) vi. Hydro Electricity. vii. Hydraulics or Hydraulic Machinery.
		(a) Should furnish evidence of having undergone practical training in "Surveying" for at least one year, or hold the Upper Subordinate or L.C.E. Diploma of the College of Engineering, Guindy or any other qualification recognized as equivalent thereto; and
		(b) Should have had practical experience for a period of not less than four years after passing Section A and B of the A.M.I.E. (Ind.) Examination which should include practical experience for a period not less than one year in erection, maintenance or construction works.
		Provided that no candidate possessing the Diploma in Electrical Engineering or a pass in Sections A and B of the A.M.I.E., (ind.) Examination, shall be eligible for appointment as Assistant Engineer (Electrical) if a suitable candidate possessing the Degree in Electrical Engineering is available for such appointment.

6. Regulation 94 provides qualification. Sub Clause (a) stipulates that *"No person shall be eligible for appointment to the post and by the method mentioned in annexure III unless he/she possess the qualifications specified therein."* Note-2 stipulates that *"a diploma in a particular subject as a qualification is prescribed, then the degree in that subject should be deemed to be higher qualification."* Therefore, the very contention of the appellants



W.A.Nos.123 & 124 of 2010

that Note-2 will assist them to get promotion is untenable. Note-2 has no application with reference to the qualifications possessed by the appellants herein. It speaks about diploma qualification and the corresponding degree qualification in the same discipline. Thus, Note-2 to Regulation 94 has no application to the facts of the case of the appellants.

7. Admittedly the appellants do not possess the educational qualification as prescribed in the Regulations and that being the factum, the learned Single Judge has rightly dismissed the writ petition. Thus, we are not inclined to interfere.

8. Accordingly, the writ appeal stands dismissed. No costs.

(S.M.S.J.,)

(C.K.J.,)

01.07.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To



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and

C.KUMARAPPAN, J.

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