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W.P.No.8369 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM:

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

W.P.No.8369 of 2024

M.Ismail Sharief

... Petitioner

-Vs-

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

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

3. Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
represented by the General Manager,
Thiruvannamalai Regional Office,
Thiruvannamalai – 606 601.

... 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 name of the Petitioner in the Seniority list of Assistant Engineers with Degree Qualification at the appropriate place taking into consideration of his



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degree certificate in Compliance with the guidelines of the AICTE issued in its Approval Process Handbook and Ensure his future promotion from the Seniority list of Assistant Engineers with Degree qualification in the light of the Order passed by this Honble High Court on 13.03.2024 in W.P.No.6547 of 2024.

For Petitioner : Mr.N.Ishak

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel

ORDER

This writ petition has been filed for direction directing the respondents to include the name of the Petitioner in the Seniority list of Assistant Engineers with Degree Qualification at the appropriate place taking into consideration of his degree certificate in Compliance with the guidelines of the AICTE issued in its Approval Process Handbook and Ensure his future promotion from the Seniority list of Assistant Engineers with Degree qualification in the light of the Order passed by this Honble High Court on 13.03.2024 in W.P.No.6547 of 2024.

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



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3. The 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 06.11.2004. While he was in service, the petitioner obtained permission from the respondents Transport Corporation to do B.E. part time course and accordingly he did B.E.Mechanical Engineering in Sri Chandrasekharendra Saraswathi Viswa Mahavidyalaya in Kancheepuram, a Deemed University and had acquired B.E.Mechanical Engineering in the month of May 2013.

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 petitioner name was shown in the Diploma Holders seniority list. Therefore, the petitioner submitted objections to exclude his names in the seniority list of Diploma Holders and include their names in the seniority list of Degree Holders. The request made by the petitioner 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.



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5. The learned counsel appearing for the petitioner 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 Notification No.F.9-9/92-U.3, dated 26.05.1993, the Government of India declared that the petitioner's 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 petitioner's study, i.e, in the year 2013.

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



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WEB COPY 7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

26.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

1. The Managing Director,
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(Villupuram) Ltd.,
3/137, Salamedu,
Valudhareddy Post,
Villupuram – 605 602.
2. The Senior Deputy Manager (HRD),
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