



W.P.No.868 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.868 of 2024
and WMP.Nos.897 & 898 of 2024

R. Vivekanandam

... Petitioner

Vs

1. The Secretary to Government
Government of Tamil Nadu
Transport Department, Secretariat,
Fort St.George, Chennai – 600 009.
2. The Chairman
Transport Department Secretariat,
Fort St.George, Chennai – 600 009.
3. The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore – 641 043.
4. The General Manager,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Coimbatore – 641 043.



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5. The Registrar
Vinayaga Mission's Deemed University
Salem.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the records of the 3rd respondent dated 12.07.2023 and to quash the same and consequently direct the 2nd and 3rd respondents to include the name of the petitioner in the seniority list prepared for the post of Assistant Engineer and thereby accordingly confer promotion to the petitioner to the post of Assistant Manager fixing the petitioner's seniority retrospectively from the year 2012 with monetary benefits.

For Petitioner : Dr.R.Gouri

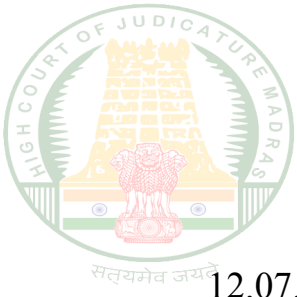
For Respondents : Mr.T.Chandrasekaran
for R2 to R4

Mr.P.Sivaprakash for R5

Mr.N.Naveen Kumar
Government Advocate for R1

ORDER

This writ petition has been filed for issuance of a writ of certiorarified mandamus to call for the records of the 3rd respondent dated



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12.07.2023 and to quash the same and consequently direct the 2nd and 3rd respondents to include the name of the petitioner in the seniority list prepared for the post of Assistant Engineer and thereby accordingly confer promotion to the petitioner to the post of Assistant Manager fixing the petitioner's seniority retrospectively from the year 2012 with monetary benefits.

2. The petitioner is working as Assistant Engineer in the respondent Transport Corporation at Mettupalayam – II Branch and he joined the service during the year 1993. At the time of joining service, the petitioner was a Diploma holder in Engineer course. Thereafter, after obtaining permission from the head office, he had completed B.E. (Mechanical) 3 ½ years course (2008-2012) in Salem Vinayaga Mission Engineering College, which is a deemed University approved by the All India Council for Technical Education.

3. The next avenue of promotion is to the post of Assistant Manager. The petitioner has made several representations to the 4th



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respondent so as to register his qualification and place his name in the Seniority list. While so, the petitioner was denied the benefit of promotion to the next cadre in service having been fully qualified employee with clean service. Hence the petitioner approached this Court by way of filing writ petition in W.P.No.4004 of 2015 and this Court vide order dated 27.01.2020 disposed the writ petition with a direction to the petitioner to submit the relevant records to the 2nd respondent therein to establish the fact that he had undergone part time B.E. degree course during the holidays and also directed to respondent Corporation to consider the representation in the light of G.O.Ms.No.270 Higher Education Department dated 03.12.2019 within 12 weeks therefrom. The relevant portion of the order is extracted hereunder:-

- 9. (i) The writ petitioner is directed to submit the relevant records to the 2nd respondent to establish the fact that he had undergone part time B.E. (Mechanical) degree course during the holidays, within a period of two weeks from the date of receipt of a copy of this order.***
- (ii) On such receipt of the materials produced by the petitioner, the 2nd respondent corporation is directed to consider the representations of the petitioner dated 01.06.2014 and 05.02.2015, and pass an order in***



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accordance with law, in the light of the G.O.Ms.No.270, Higher Education (J1) Department dated 03.12.2019, as early as possible, within a period of 12 weeks from the date of receipt of the records produced by the petitioner.

4. In pursuant of the order passed by this Court, the petitioner submitted a representation dated 22.02.2020 and produced all relevant certificates but the respondent Management did not comply with the order. Therefore, the petitioner filed contempt petition and the 4th respondent by proceedings dated 12.07.2023 declined to consider the petitioner's representation on the ground that the petitioner has not produced the day wise attendance register to show that the petitioner has studied B.E., Mechanical part time degree course in the Vinayaga Mission deemed university, Salem and this Court closed the contempt petition with liberty to the petitioner to challenge the proceedings dated 12.07.2023 of the 4th respondents therein. Hence, the petitioner having no other option filed the present writ petition to challenge the proceedings of the 4th respondent dated 12.07.2023.



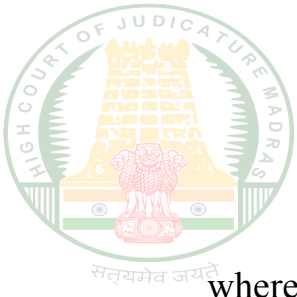
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5. The learned counsel for the petitioner submitted that in pursuant to the order dated 27.01.2020 passed in W.P.No.4004 of 2015, the petitioner has submitted the attendance details in this regard before the respondent Corporation. However, the 4th respondent has declined to consider the petitioner's representation and issued proceedings dated 12.07.2023 stating that the petitioner has not produced day wise attendance register. The learned counsel invited the attention of this Court regarding the counter submission of the 5th respondent university, wherein at para 9 has stated as follows:-

“9. I submit that the 5th respondent had furnished the Semester wise attendance percentage pertaining to the petitioner and the day wise attendance could not be furnished to the candidates as the day to day attendance registers are normally preserved only for 5 years as per the UGC norms. The 5th respondent thus submit that the petitioner is a genuine student of the ambit Engineering college and had completed in B.E. Mechanical (part time) course in the academic year 2008-2012.”

6. The learned counsel for the petitioner also drew the attention of this Court to the order of this Court passed in W.A.No.1349 of 2022



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wherein it was held that educational qualification obtained from Vinayaka Mission's Research Foundation, Salem is held to be a valid one.

7. The learned counsel for the 5th respondent university submitted that the petitioner had more than 75% attendance for attending the class and such documents have already been submitted before the respondent Corporation. Though the Corporation seeks day wise attendance, there is no serious dispute about the University's certificate that the petitioner has got more than 75% attendance. Further, the degree provided by the 5th respondent University was held to be valid. Therefore, the very rejection on the part of the respondents 1 to 4 for non production of the day wise attendance register is irrational. Further to be considered for promotion is fundamental right.

8. In view of the above facts and circumstances of the case, this Court is of the view that the request of the petitioner to consider his name for promotion to the next level of post has to be considered as he has



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required qualification of B.E., Further his qualification of B.E.Mechanical is a valid degree.

9. Accordingly, the writ petition is allowed and the impugned proceeding dated 12.07.2023 is hereby set aside and the third respondent is directed to consider the petitioner for promotion within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are also closed.

11.07.2025

dpq
Index: Yes/No
Speaking order



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To

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Government of Tamil Nadu
Transport Department, Secretariat,
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C. KUMARAPPAN, J.

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13.06.2025