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W.P.No.1002 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 1002 of 2022
&
W.M.P.Nos. 1069 & 1070 of 2022

1.S.Maheswaran

2.R.Ramesh

3.V.Jaisanker

4.R.Murugan

5.S.B.Yasin

...Petitioners

Vs.

1.The Chief Engineer / Personnel
Tamil Nadu Electricity Board / TANGEDCO,
8th Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai-600 002..



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2.The Chairman,
Tamil Nadu Electricity Board / TANGEDCO,
8th Floor, NPKRR Maaligai,
TNEB Complex,
144, Anna Salai,
Chennai-600 002.

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the respondents to promote the petitioners to the post of Technical Assistant for internal selection under available vacancies of the respondents board on par with their Juniors w.e.f 25.02.2014 with all service and monetary benefits within the time limit fixed by this Court.

For Petitioners : Mr. R.Muralikrishna

For Respondents : Mr. R.Nikkhilesh Athav
For Mr. K.Rajkumar



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ORDER

This writ petition has been filed for the following relief:

“directing the respondents to promote the petitioners to the post of Technical Assistant for internal selection under available vacancies of the respondents board on par with their Juniors w.e.f 25.02.2014 with all service and monetary benefits within the time limit fixed by this Court”.

2. The petitioners' case as set out in the affidavit filed in support of this writ petition is herein below culled out. The petitioners are employed under the respondent board holding various posts such as Commercial Inspector, Commercial Assistant, Foreman Grade I and Line Inspector. They are all working in regular establishment and drawing regular scale of pay. The petitioners are qualified with diploma in Electrical Engineering (lateral entry) after they completed ITI course.



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3. The petitioners had originally joined the respondent office as a Helper in the year 2009. The 3rd petitioner alone had joined service in the year 1998 and they have been discharging their duties blemishlessly to the satisfaction of their superiors.

4. It is the further case of the petitioners that while they were in service, they were permitted to pursue diploma course by the respondent office. The petitioners have completed diploma course on this written permission at Janardan Rai Nagar Rajasthan Vidhyapeeth University (Deemed University), declared under Section 3 of the University Grants Commission Act, by notification issued by the Government of India.

5. The 4th petitioner completed his diploma at the Advanced Studies in Education Deemed University. All the petitioners have successfully completed their diploma and the next avenue of promotion was to the post of a Technical Assistant for petitioners 1, 2, 4 and 5 and as a Junior Engineer Grade II in respect of the 3rd petitioner. It is the



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grievance of the petitioners that though they are qualified for the post of Technical Assistant, they had not been considered on account of fact that they had obtained diploma from Janardan Rai Nagar Rajasthan Vidhyapeeth University and Institute of Advanced Studies in Education Deemed University, whereas, the juniors of the petitioners having same educational qualifications which they have obtained from the Tamil Nadu Directorate of Technical Education have been promoted.

6. The petitioners would submit that their promotion has not been considered since the year 2013. The petitioners would further state that there are vacancies for the post of Technical Assistant, to which post the petitioners are eligible with effect from 25.02.2014, on par with their juniors who have been promoted overlooking the promotion of the petitioners. Since there was likelihood of respondents filling up vacancies by internal selection, the petitioners had made representation to the respondents in person and the same is pending.

7. The petitioners would submit that they learned that they will not be considered by the respondents on a wrong presumption that they

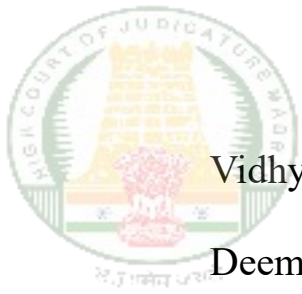


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had acquired diploma through distance education mode and not through regular stream. The petitioners would submit that they have studied diploma course only through regular stream / flexible mode. The classes were conducted every weekend in the study centers fixed by the university.

8. By proceeding dated 09.01.2015, bearing No.3 (Secretariat Branch), the Tamil Nadu Electricity Board Service Regulations had been amended. As per this amendment, diploma obtained after completion of 10th, 2 years ITI course and 2 years lateral entry diploma course from any university or institution recognised by the UGC or any university recognised by the Government of Tamil Nadu would be recognised as qualification for promotion under the said regulations.

9. In fact, the Government of Tamil Nadu, P & AR Department, issued GO.Ms.No.39 dated 30.04.2014 amended Rule 19 of the Tamil Nadu Sub Ordinate Service Rules, in and by which the schedule of university and institution recognised by the UGC was set out. The petitioners would submit that Janardan Rai Nagar Rajasthan



Vidhyapeeth University and Institute of Advance Studies in Education

Deemed University, is recognised by the UGC. Therefore, it is the contention of the petitioners that they should be considered for promotion. Hence, they have come forward with the above writ petition seeking mandamus.

10. The 1st respondent has filed a counter affidavit inter alia denying the claim of the petitioners. It is their contention that Annexure III Regulation 94 of the TNEB Service Regulations, has recognised the qualification to the post of ITI as follows:

“Diploma in Electrical Engineering (or) Diploma in Electrical and Electronics Engineering (or) Diploma in Electronics and Communication Engineering (or) Diploma in Instrumentation Engineering (or) Diploma in Computer Science and Engineering (or) Diploma in Information Technology (or) Diploma in Computer Technology (or) Diploma in Computer Networking awarded by the Director of Technical Education or



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13. The respondents would further submit that in the year 2011 – 2012, proposals were called for by the 1st respondent from all the Superintending Engineers to fill up the post of Technical Assistant / Electrical by internal selection vide letter dated 19.10.2011. It is further submitted that 311 applications were received in this regard and employees who had obtained diploma through part time courses after obtaining proper permission from the concerned Superintending Engineer for their studies and having completed diploma in full time or part time before entering the services were considered for selection. The applications that were received were scrutinised and merit list was arrived at in the order of (i)service rendered after obtaining diploma, (ii)date of regular appointment after training period, (iii)date of birth, etc.,

14. While scrutinising the proposals of the petitioners, it was found that the petitioners had obtained permission from the concerned Superintending Engineer for taking up their part time studies. However, the certificates had been obtained by them from the



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university through distance education mode. Therefore, they were not considered for the post of Technical Assistant / Electrical through internal selection.

15. The respondents would submit that this issue has been dealt at length by various authorities and clarification has been issued by the AICTE, DOTE and the Government of Tamil Nadu, wherein it was decided that the diploma / degree qualification acquired through distance education mode is not equivalent to qualification acquired through regular stream for the purpose of employment in public services. Further, by letter dated 04.07.2017, the AICTE had not recognised the qualification acquired through distance mode. Therefore, the respondents sought to have the writ petition dismissed.

16. The learned counsel for the petitioners would submit that these circulars would not bind the petitioners in much as the petitioners had qualified in diploma course in the year 2009 and the circular is later in point of time. He would further submit that the petitioners have attended classes regularly at the study centers every weekend.



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17. Per contra, Mr.Nikkhilesh Athav, learned counsel appearing on behalf of the respondents would submit that the Hon'ble Supreme Court in the Judgement in MA.Nos.1795 – 1796 of 2017 in Civil Appeal No.17869 – 17870 of 2017 case pertaining to ***Orissa Lift Irrigation Corp. Ltd., Vs. Rabi Sankar Patro and Others dated 22.01.2018***, had considered the validity of degrees awarded by four listed Deemed to be Universities to candidates who were enrolled upto 2001 – 2005 for which the AICTE – UGC conducted the examination for revalidating the degree awarded by aforesaid Deemed to be Universities as per the directions of the Hon'ble Supreme Court.

18. No doubt, the case before the Hon'ble Supreme Court related to the decree courses awarded through distance education. However, the AICTE following the said judgement had issued circular categorically stating that approval would not be granted for diploma and engineering courses obtained through distance education mode. Therefore, considering the fact that the petitioners have obtained their diploma through distance education and in the light of the circular and



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judgement of the Hon'ble Supreme Court the petitioners claim has to be dismissed.

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19. He would also rely upon the Judgement of the Coordinate Bench of this Court in WP.No.19113 of 2022 dated 12.11.2024, wherein in a similar issue the learned Judge has in the light of the circular issued by the AICTE dismissed the writ petition.

20. Heard the learned counsel on either side and perused the records.

21. Admittedly, the petitioners have obtained diploma through distance education. The fact that the petitioners themselves state that they have been attending study centers every weekend only goes to show that they have not obtained diploma through regular stream but only through distance education. The Hon'ble Supreme Court in ***Orissa Lift Irrigation Corp. Ltd.***, had commented on *ex post facto* approvals and taking into account the interest of the students, had issued a direction stating that students who have obtained degrees and



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engineering during academic year 2001 – 2005 through distance education would stand suspended and they were directed to participate in an examination that was to be conducted by the AICTE and on their clearing the said examination they would be restored back with all the advantages that they had earlier. However, if they failed in the said test their degrees shall stand cancelled and all the advantages would be withdrawn. In the case of students who do not wish to exercise the option, the entire money deposited by the students would be refunded to them by the Deemed to be University, within a month of students exercising option.

22. It appears that the AICTE had issued a circular dated 30.12.2020, wherein it has been stated as follows:

“The Hon’ble Supreme Court in MA Nos.1795 – 1796 of 2017 in Civil Appeal No.17869 – 17870 of 2017 case pertaining to Orissa Lift Irrigation Corp. Ltd., Vs. Rabi Sankar Patro and others opined vide its Judgement dated 22.01.2018 that the judgment dated 03.11.2017 for the courses leading to diploma was not the subject matter



of the judgement while considering the validity of degrees awarded by these 4 listed deemed to be Universities to candidates who were enrolled upto 2001 – 2005 for which the AICTE – UGC conducted the examination for revalidating the degree awarded by aforesaid deemed to be universities as per the directions of the Hon'ble Supreme Court.

The AICTE as such has not given approval for conducting diploma courses in Engineering through distance education mode to any technical institutions. Hence, the AICTE cannot validate the diplomas awarded by these institutions. Hon'ble Supreme Court stated that diploma course in Engineering is not under the purview of the aforesaid case”.

23. The learned single Judge in WP.No.19113 of 2022 has also relied upon the very same circular to dismiss the writ petition.



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24. Therefore, in the light of the above Judgement and circular, I do not find any reason to issue mandamus as petitioners have completed their diploma through distance education. Accordingly, this writ petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No

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