



WEB COPY

W.A.No. 929 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER

W.A.No. 929 of 2024
and
C.M.P.No. 6617 of 2024

1.Tamil Nadu Generation and Distribution
Corporation Limited,
Rep. By its Chairman cum Managing Director,
No.144, Anna Salai,
Chennai – 600 002.

2.The Secretary,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai,
Chennai – 600 002.

...Appellants

Vs.

1.P.Karuppiyah

2.Member Secretary,
University Grants Commission,
Bahadur Shaah Zafar Marg,
New Delhi – 110 002.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 22.11.2023 made in W.P.No. 3871 of 2020.



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For Appellants : Mr.Anand Gopalan

For M/s.Agam Legal

For Respondents : Mr.Balan Haridoss for R1

Mrs.V.Sudha

Standing Central Govt. Counsel for R2

JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The entire issue has stemmed out of irresponsibility exhibited by the University Grants Commission (UGC) in dealing with Universities which offer a short term one year Bachelor's degree programme.

2. The 1st respondent secured employment with the appellant / Corporation as a Junior Auditor in 1987. He was promoted as an Auditor and then, as a Deputy Chief Internal Audit Officer and then, as Senior Deputy Chief Internal Audit Officer. During the course of his employment, he had enrolled with Osmania University for one year B.Com., course. He had cleared that course in 1997. The Board issued a proceeding dated 22.01.2020 clarifying that a one year B.Com., degree course, which is otherwise called a one sitting degree course, will not be taken into account

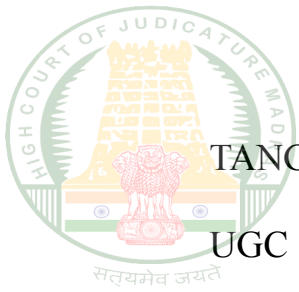


for grant of incentive increments / promotion. The 1st respondent, who was expecting promotion as Chief Internal Audit Officer, challenged the said communication and also sought for a mandamus to promote him from the date, on which, the vacancy arose.

3. The learned single Judge had relied upon the communications of the UGC as well as the Government of Tamil Nadu, which had recognized this qualification, if it had been completed before 1995-1996, allowed the writ petition and quashed the impugned communication dated 22.01.2020 and directed the appellant / Corporation to promote the petitioner to the post of Chief Internal Audit Officer with effect from 01.11.2016 when the vacancy arose with all consequences. Aggrieved, the Corporation is on appeal.

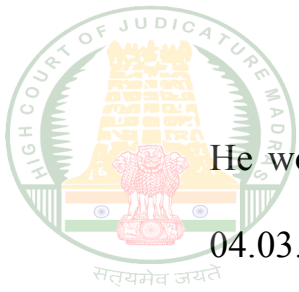
4. We have heard Mr.Anand Gopalan, learned counsel appearing for the appellant / Corporation, Mr.Balan Haridoss, learned counsel appearing for the 1st respondent / workman and Tmt.V.Sudha, learned counsel appearing for the 2nd respondent / UGC.

5. Mr.Anand Gopalan, learned counsel appearing for the



TANGEDCO would submit that in view of the clarifications issued by the UGC in 2017, the Board had issued the impugned clarification. He would also point out that as per the service rules of the Corporation, the required qualification for Chief Internal Audit Officer is B.A., B.Sc., or B.Com., degree. The 1st respondent possess a B.A., degree obtained in the regular stream. Hence, he is qualified. Therefore, there is no need for him to challenge the clarification issued on 22.01.2020. As regards the prayer for mandamus, it is the contention of Mr.Anand Gopalan that a mandamus cannot be issued directing an Employer to promote a person from the date, on which, the vacancy arose. According to him, it is open to the employer to either fill up or not to fill up the promotional post.

6. Contending contra, Mr.Balan Haridoss, learned counsel appearing for the 1st respondent would submit that the one year B.Com., degree obtained by him is valid. He would submit that the UGC, by its circular dated 04.03.1997 has only debarred the Universities from enrolling candidates for one sitting B.A., degrees from 1996-1997 onwards. Therefore, it was open to the Osmania University to continue to enroll candidates for short term B.Com., B.Sc., or other under graduate courses.



He would also rely upon the later portion of the letter of the UGC dated 04.03.1997 which states that degrees of the candidates enrolled for the one year Bachelor's programme up to the year 1995-1996 may be treated as valid. Therefore, according to him, the B.Com. degree obtained by him from Osmania University in the year 1997 is perfectly valid. He would also contend that the same position has been reiterated in the communication of the UGC dated 30.06.1999. It is the further contention that when it is conceded that he does not need a B.Com., degree, he should have been considered for promotion when the vacancy arose, since he had the required qualification on that day itself.

7. Tmt.V.Sudha, learned counsel appearing for the UGC would submit that the position has been clarified by the UGC finally on 27.06.2017 stating that the UGC has never recognized one sitting B.Com., degree.

8. We feel that the UGC might have acted more responsibly in wording its communications. When a clarification was sought for by the TANGEDCO on 01.02.2017, a very curt reply was sent by the UGC



referring the TANGEDCO to the letters dated 04.03.1997 and 30.06.1999.

However, subsequently, the UGC, by its letter dated 02.06.2017 informed TANGEDCO that B.Com., degree of Mr.P.Karuppiyah / the 1st respondent herein is valid. This was re-called on 27.06.2017.

9. Now the air is clear as to the validity of the B.Com., degree which has been obtained after under going a one year course, that too, by distant education mode. Therefore, the quashment of the clarification dated 22.01.2020 cannot be upheld by us. The Government Order, which is relied upon by the learned single Judge also states that the qualifications should have been obtained on or before 1995-1996. Admittedly, the 1st respondent had obtained the qualification only in 1997.

10. Be that as it may, now the controversy boils down the direction granted to promote the 1st respondent with effect from 01.11.2016. The said direction is based on the fact that the B.Com., degree is valid. It is conceded before us that B.A., degree in Economics is sufficient qualification for promotion, as per the regulations of the Board as amended in the year 2018. Now that we have concluded that one year B.Com., degree is not valid, if at all the 1st respondent can claim promotion, it could

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be only from the date, on which, the amendment came into force.

Therefore, the direction to promote the 1st respondent with effect from

01.11.2016 cannot be sustained.

11. In the light of the above conclusions, this Writ Appeal will stand **allowed**, the order of the learned single Judge will stand set aside and the writ petition will stand dismissed. No costs. Consequently, connected miscellaneous petition is closed. It will be open to the appellant to consider the 1st respondent for promotion depending upon the need.

(R.S.M., J.) (K.S., J.)
09.07.2025

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Internet: Yes

Index: No

Speaking

Neutral Citation : No

To:-

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