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W.P.(MD) No.12923 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.12923 of 2020

B.Manikandan

... Petitioner

-VS-

1.The Principal Secretary
to Government
Higher Education Department
Government of Tamil Nadu
Secretariat, Chennai-600 009

2.The Principal Secretary to Govt. /
Commissioner of Technical Education
Directorate of Technical Education
Sardar Patel Road, Guindy
Chennai-600 025

3.The Registrar
Anna University
Chennai-600 025

4.The Syndicate
Represented by its
Ex-Officio Chairman
Anna University
Chennai-600 025

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the impugned letter No.10256/11/2017-4 dated 09.09.2020 issued by the 1st respondent and quash the same as illegal in respect of the petitioner and consequently direct the respondents to issue absorption order to the petitioner.

For Petitioner : Mr.Gokul Abimanyu.O.R.
For Mr.S.Sankarapandian
for M/s.C.Arulvadivel @ Sekar Associates

For Respondents : Mr.P.T.Thiraviyam
Government Advocate for R1 & R2
Mr.J.John Rajadurai
Standing Counsel for R3 & R4

ORDER

The issue involved in this writ petition is whether M.E.(Embedded System Technologies) obtained through Distance Education is equivalent to any other M.Tech / M.E.Degree Computer Science / Information Technology Course.



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2. Under the impugned order dated 09.09.2020, issued by the first respondent, the petitioner's request for being absorbed into the services of the third respondent – University has been rejected based on the report received from the third respondent – University.

3. According to the first respondent, the representation of the petitioner was examined in detail along with the connected records as well as the report of the Registrar of the third respondent – University and only thereafter, the request of the petitioner for being absorbed into the services of the third respondent – University has been rejected and in the very same impugned order, it has been stated that the appointing authority of all the posts is the Syndicate of the third respondent – University and likewise, the powers of absorption also vest with the Syndicate of the third respondent – University.

4. According to the petitioner, even though no specific reason has been given in the impugned order for rejecting the petitioner's request for being absorbed into the services of the third respondent – University, the reason for rejection is that since the petitioner is possessing M.E.(Embedded



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System Technologies) qualification obtained through Distance Education is not equivalent to any other M.Tech / M.E.Degree Computer Science / Information Technology Course, the respondents have rejected the petitioner's request for being absorbed into the services of the third respondent – University.

5. According to the petitioner, M.E.(Embedded System Technologies) degree obtained through Distance Education is equivalent to any other M.Tech / M.E.Degree Computer Science / Information Technology Course and therefore, according to the petitioner, arbitrarily and illegally, the first respondent has rejected the petitioner's request for being absorbed into the services of the third respondent – University under the impugned order.

6. A counter affidavit has also been filed by the respondents 1 & 2 reiterating the contents of the impugned order. At the same time, they would contend in Paragraph No.5 that the eligibility of the petitioner's qualification, namely, M.E.(Embedded System Technologies) obtained through Distance Education is under examination before the Equivalence Committee.



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7. According to the learned Government Advocate appearing for the respondents 1 & 2, only due to the fact that AICTE norms were not followed, the petitioner's request for absorption into the services of the third respondent - University has been rejected under the impugned order.

8. However, learned counsel for the petitioner would submit that the issue, which is the subject matter of consideration in this writ petition, is settled by the decision rendered by the Honourable Supreme Court in ***Orissa Lift Irrigation Corp Ltd. vs. Rabi Sankar Patro & Ors.*** in Civil Appeal Nos. 17869-17870 of 2017, dated 03.11.2017. According to the learned counsel for the petitioner, as per the said decision of the Honourable Supreme Court, once the candidate passes the requisite examination conducted by AICTE, even though the said candidate has acquired the degree through Distance Education, the eligibility criteria is deemed to have been satisfied.

9. Learned counsel for the petitioner has also placed on record the certificate for validation of degree issued by the AICTE in favour of the petitioner in respect of the petitioner's qualification, namely, M.E.(Embedded



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System Technologies) awarded by Vinayaka Mission's Research Foundation, Tamil Nadu, and would submit that since AICTE has certified that the petitioner has successfully qualified the examination and the degree stands validated, the decision rendered by the Honourable Supreme Court in ***Orissa Lift Irrigation Corp Ltd.***'s case, referred to supra, applies to the case of the petitioner and therefore, the respondents ought to have considered the same and ought to have absorbed the petitioner into the services of the third respondent – University.

10. Learned counsel for the petitioner would also submit that excepting for the petitioner, identically placed persons, who were working in the third respondent – University, have already been absorbed into the services of the third respondent – University.

11. As seen from the impugned order, the certificate for validation of the degree obtained by the petitioner for the degree, namely, M.E. (Embedded System Technologies) awarded by Vinayaka Mission's Research Foundation, Tamil Nadu, which has been placed on record by the learned counsel for the petitioner before this Court today, reveals that the petitioner



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has successfully qualified the examination and the degree stands validated has not been considered under the impugned order. Under the impugned order, the decision rendered by the Honourable Supreme Court in ***Orissa Lift Irrigation Corp Ltd.***'s case, referred to supra, relied upon by the learned counsel for the petitioner, wherein it has been held that once the candidate passes the requisite examination conducted by AICTE, even though the said candidate has acquired the degree through Distance Education, the eligibility criteria is deemed to have been satisfied has also not been considered under the impugned order.

12. Learned Government Advocate appearing for the respondents 1 & 2 also submits that the genuineness of the AICTE – UGC Special Examination Certificate produced by the learned counsel for the petitioner before this Court today has to be verified and further, he would submit that the Syndicate of the third respondent – University can only pass orders granting absorption of the petitioner into the services of the third respondent – University.



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13. Learned Standing Counsel appearing for the respondents 3 & 4 also seeks time to get instructions as to whether the said certificate produced by the learned counsel for the petitioner in the Open Court today said to have been issued by AICTE certifying that the petitioner has successfully qualified the examination and the degree stands validated is a genuine one or not.

14. Admittedly, the aforesaid certificate said to have been issued by AICTE, which has been placed on record before this Court today by the learned counsel for the petitioner has not been considered under the impugned order rejecting the petitioner's request for absorption into the services of the third respondent – University. The decision of the Honourable Supreme Court, based on which, the aforementioned certificate is said to have been issued by AICTE, has also not been considered under the impugned order. Instead of waiting for the instructions of the respective respondents with regard to the genuineness of the AICTE certificate placed on record by the learned counsel for the petitioner before this Court today, this Court deems it fit to remand the matter back to the third respondent for fresh consideration



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of the petitioner's request seeking for absorption into the services of the third respondent – University, after providing an opportunity to the petitioner to submit his explanation once again by giving the full details as to why he has to be absorbed into the services of the third respondent.

15. Accordingly, the impugned order dated 09.09.2020, passed by the first respondent, is hereby quashed insofar as it relates to the petitioner herein and this writ petition is disposed of by remanding the matter back to the third respondent for fresh consideration of the petitioner's request seeking for absorption into the services of the third respondent – University, after providing an opportunity to the petitioner to submit his explanation once again by giving the full details as to why he has to be absorbed into the services of the third respondent - University. The petitioner is directed to submit his detailed explanation along with the relevant supporting documents, which includes the AICTE certificate validating his M.E. (Embedded System Technologies) awarded by Vinayaka Mission's Research Foundation, Tamil Nadu, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said explanation from the petitioner within the stipulated time, the third respondent shall pass final orders on the



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petitioner's request for absorption into the services of the third respondent – University after giving due consideration to the certificate for validation of degree issued in favour of the petitioner by AICTE and also after giving due consideration to the Judgment of the Honourable Supreme Court in Orissa Lift Irrigation Corp Ltd.'s case, referred to supra, and after providing one opportunity of hearing to the petitioner, within a period of eight weeks thereafter. No costs.

04.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Principal Secretary
to Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
- 2.The Principal Secretary to Govt. /
Commissioner of Technical Education ,
Directorate of Technical Education ,
Sardar Patel Road, Guindy,
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ABDUL QUDDHOSE, J.

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