

W.P.No.28491 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2026

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.28491 of 2024

M.Elangovan

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 2.

2. The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 2.

3. The Senior Personnel Officer/Recruitment,
Administrative Branch,
No.144, Anna Salai,
Chennai – 02.

4. The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Vellore Electricity Distribution Circle
Gandhi Nagar, Vellore.

5. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Vellore Electricity Distribution Circle
Gandhi Nagar, Vellore.

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 3rd respondent in Memo No.034965/G.551/N-G.172/2022, dated 12.12.2023, served on 16.02.2024 and quash the same and consequently direct the respondents to appoint the Petitioner as Technical Assistant, with effect from 23.09.2009 (ie) date of his initial appointment, instead as Junior Assistant on Compassionate Ground, on the basis of G.O.(Ms).No.58, Higher Education (J1) Department, dated 06.05.2022, which declared the five years M.S. (Software) obtained by the Petitioner to be equivalent to B.E / B.Tech Computer Science Degree, with all consequential, promotional and monetary benefits, including appointment as Assistant Engineer / Electrical, by internal selection, on par with his Junior, who was appointed after the petitioner as Technical Assistant, on Compassionate Ground.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.K.Rajkumar,
Standing Counsel

ORDER

The present Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the third respondent in Memo No.034965/G.551/N-G.172/2022, dated 12.12.2023, served on the petitioner

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on 16.02.2024, and quash the same and consequently direct the respondents to appoint the petitioner as Technical Assistant with effect from 23.09.2009, i.e., from the date of his initial appointment, instead of appointing him as Junior Assistant on compassionate grounds, on the basis of G.O.(Ms).No.58, Higher Education (J1) Department, dated 06.05.2022, whereby the five-year M.S. (Software) degree obtained by the petitioner was declared to be equivalent to B.E./B.Tech. Computer Science Degree, with all consequential, promotional and monetary benefits, including appointment as Assistant Engineer/Electrical by internal selection, on par with his junior, who was appointed after the petitioner as Technical Assistant on compassionate grounds.

2. The learned counsel for the petitioner would contend that the petitioner's father, viz., Munirathinam, was working as a Foreman in the respondent-Electricity Board and, unfortunately, died on 05.05.2008 while in service. On compassionate grounds, the petitioner was provided employment as Junior Assistant in the office of the fourth respondent with effect from 23.09.2009. Even at the time of considering the petitioner's application, he had completed his M.S. (Software) degree. However, since there was no equivalent certificate equating the M.S. (Software) degree awarded by the

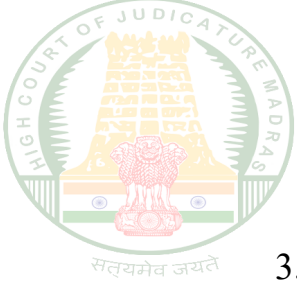


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Vellore Institute of Technology with B.E./B.Tech. in Computer Science, instead of appointing him as Assistant Engineer/Electrical or Technical Assistant, he was appointed as Junior Assistant, contrary to the Board Proceedings.

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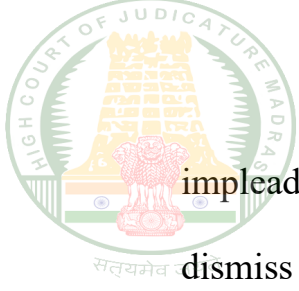
2.1. The learned counsel for the petitioner would further submit that the equivalence certificate was issued by the Higher Education Department vide G.O.(Ms).No.58, Higher Education (J1) Department, dated 06.05.2022 and, as per the decision of the Full Bench of this Court, such equivalence certificate would relate back to the date on which the petitioner acquired the degree. Therefore, the petitioner has to be notionally appointed to the post of Assistant Engineer/Technical Assistant from the date of his initial appointment and is entitled to consequential promotions and monetary benefits, including appointment as an Assistant Engineer. In support of his contentions, the learned counsel for the petitioner relied upon the Full Bench judgment of this Court in *Nadar Thanga Shubha Laxman A. Vs. State of Tamil Nadu*, reported in *2014 (3) CTC 433*, and the judgments of the learned Single Judges of this Court in *C.Ilayaraja Vs. Commissioner of School Education* (W.P.No.10039 of 2022, dated 10.12.2025) and *R.Ragulan Vs. State of Tamil Nadu* (W.P.No.22529 of 2025, dated 11.03.2026).

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3. Per contra, the said contention was stoutly opposed by the learned Standing Counsel appearing for the respondents and would submit that compassionate appointment is not a matter of right and is intended only to assist the dependent family members of a deceased employee to tide over the immediate financial crisis. Though the petitioner had obtained an M.S. (Software) degree, there was no equivalent certificate at the relevant point of time, viz., in the year 2009. He would further submit that the petitioner was appointed as Junior Assistant, having accepted the said post, and thereafter availed three levels of promotion, viz., as Assistant in the year 2011, Assistant Programmer in the year 2014 and, thereafter, Assistant Engineer in the year 2019, the present Writ Petition is devoid of merits and is liable to be dismissed.

3.1. The learned Standing Counsel would further submit that, even assuming that the petitioner has any merit in his claim, on account of the enormous delay on the part of the petitioner, the present Writ Petition is liable to be dismissed. It is also contended that any interference with the settled seniority would disturb the seniority of several persons who would be affected by such disturbance, and those affected persons have not been



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impleaded as respondents in the present Writ Petition. Hence, he prayed to dismiss the present Writ Petition. In support of his contentions, the learned Standing Counsel appearing for the respondents relied upon the following judgments:-

(i) ***K.Priyadhashini Vs. The State and Ors***
(W.P.No.18759 of 2023 dated 11.09.2023);

(ii) ***I.G. (Karmik) Vs. Prahalad Mani Tripathi*** reported
in (2007) 6 SCC 162;

(iii) ***G.Murugesan Vs. Tamil Nadu Generation and
Distribution Corporation Ltd.,*** (W.P.No.10309 of 2018 dated
25.02.2025);

(iv) ***G.Venkataragavan Vs. The Secretary to the
Government of Tamil Nadu*** (W.P.No.30811 of 2019 dated
17.04.2025);

(v) ***Sarabjit Singh Vs. Union of India and others***
(W.P.No.36921 of 2019 dated 04.12.2025); and

(vi) ***C.Vadivel Vs. Director of Town Panchayat and Ors.,***
(W.P (MD) No.22166 of 2022 dated 29.11.2022.

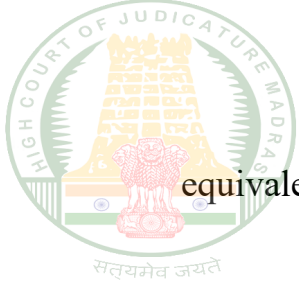
4. I have given my anxious consideration to the submissions made on either side.

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5. Almost the factual aspects are not in dispute. The point that now arises for consideration is whether, based upon the equivalence certificate issued in the year 2022, the petitioner's appointment can now be upgraded to the post of Assistant Engineer from the date of his initial appointment.

6. In the case in hand, though the petitioner relies upon the judgments of the learned Single Judges of this Court, those cases arose in a different factual context and were concerned with the School Education Department. Therefore, the scheme applicable to the compassionate appointments in the School Education Department need not necessarily be the same as the scheme applicable in the Electricity Department.

7. It is well-settled principle of law that compassionate appointment is not a matter of right and is only a concession. To put it differently, it is an exception to regular public employment. Therefore, such an exception has to be acted upon only in accordance with the guidelines and the scheme provided by the Department concerned. This Court cannot rewrite the scheme provided by the Department. In the case in hand, the petitioner had applied for compassionate appointment and, admittedly, had obtained an M.S. (Software) degree. However, the said degree was not equivalent to B.E./B.Tech. in Computer Science on the date of his appointment, and such



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equivalence came to be declared only in the year 2022.

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8. Though the petitioner relied upon the judgment of the Full Bench of this Court in *Nadar Thanga Shubha Laxman A.'s case* (cited supra), wherein it was held that such equivalence certificate would relate back to the date on which the degree was actually obtained by the candidate, it is not possible to turn back the clock at this point of time. In this connection, it is relevant to note that, after joining as Junior Assistant, the petitioner accepted three levels of promotion, viz., Assistant, Assistant Programmer and Assistant Engineer. Having accepted the said promotions and having served in the Department for more than a decade, merely because he now faces some inconvenience, he cannot challenge his initial appointment after such an enormous delay. It is also relevant to mention that the petitioner had already approached this Court by filing a petition seeking similar relief, which factum has not been seriously disputed by the learned counsel for the petitioner.

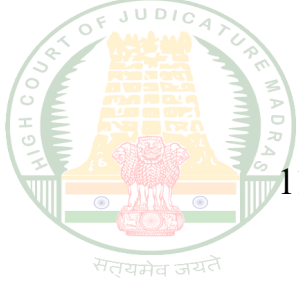
9. As rightly contended by the learned Standing Counsel appearing for the respondents, the present Writ Petition is also hit by the principles of res judicata, apart from laches. Apart from that, in service jurisprudence, the Court must be slow in unsettling settled seniority, particularly when the



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petitioner has not raised any objection with regard to his appointment for more than a decade. Merely because an equivalence certificate was issued in the year 2022, the settled seniority cannot be disturbed. Therefore, as rightly contended by the learned Standing Counsel, it would definitely unsettle the settled seniority, which is not good for any organisation. Furthermore, such disturbance would cause hardship and heart-burns to the persons whose seniority would be affected. More pertinently, those affected persons are not before us.

10. At this juncture, the learned Standing Counsel relied upon the judgment of the Hon'ble Supreme Court in *I.G. (Karmik) and others Vs. Prahalad Mani Tripathi*, reported in *(2007) 6 SCC 162*, wherein the Hon'ble Supreme Court has held that when a person has accepted a lower post without any demur whatsoever, he cannot be permitted to contend at a later point of time that he was entitled to a higher post. In a similar line, the learned Single Judges of this Court have also held so in W.P.(MD) No.16025 of 2015, dated 28.06.2019, and W.P.No.18759 of 2023, dated 11.09.2023. Therefore, this Court does not find any merit in the present Writ Petition.



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11. In the result, this Writ Petition is dismissed. No costs.

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Index : Yes

Speaking Order

Neutral Citation : Yes

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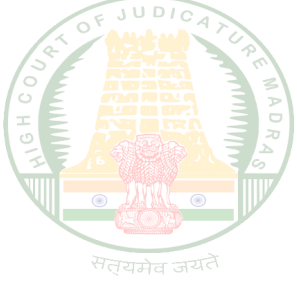
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C.KUMARAPPAN, J.

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