

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2015

CORAM:

THE HON'BLE MR. JUSTICE D. HARIPARANTHAMAN

W.P.No.18319 of 2015

S.Selvaraj

Petitioner

vs.

The State of Tamil Nadu,
Rep. By its Secretary to Government,
Personnel and Administrative Reforms
(H1) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the respondent to consider the Review petition filed by the petitioner dated 23.06.2015 to review the order passed in G.O.(4D).No.21 P & AR Department dated 01.07.2011 confirming the order in G.O.(4D)No.21 P & Ar Department dated 09.06.2010 and consequently to direct the respondents to promote the petitioner to the post of Section Officer on par with juniors based on 2009-2010 panel, with all consequential and other attendant benefits including arrears of salary with interest, in the light of orders passed in W.P.No.25701 & 25702 of 2011 dated 04.04.2014 as confirmed in the orders passed in W.A.No.860 & 861 of 2014 dated 25.07.2014.

For petitioner : Mr.G.Sankaran

For Respondent : Mr.S.Gunasekaran
Government Advocate

ORDER

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner joined the Secretariat service as Office Assistant. He was further promoted as Assistant. He was also promoted as Assistant Section Officer. He was initially included in the panel of Assistant Section Officer fit for promotion to the post of Section Officer for the year 2009-2010.

3. However, the name of the petitioner was deleted by the Government in G.O.4(D)No.21 P & AR Department dated 09.06.2010, on the ground that he did not possess degree qualification.

4. The petitioner filed an appeal against the aforesaid order. The appeal was rejected by the Government in G.O.4(D)No.21 P & AR Department dated 01.07.2011.

5. Now the petitioner has filed a Review Petition dated 23.06.2015 to review the order passed in G.O.4(D)No.21 P & AR Department dated 01.07.2011, in the light of the order passed by this Court in W.P.Nos.25701 and 25702 of 2011 dated 04.04.2014, which was confirmed by this Court in the order dated 25.07.2014 in W.A.Nos.860 and 861 of 2014.

6. The learned counsel for the petitioner submits that the petitioner, admittedly, did not possess degree qualification. According to him, the requirement of degree qualification for the post of Section Officer was introduced only in the year 2012, as per G.O.Ms.No.88, Personnel and Administrative (C) Department, dated 15.06.2012, with effect from 16.12.2011.

7. The learned counsel for the petitioner further submitted that the said G.O.Ms.No.88 Personnel and Administrative (C) Department dated 15.06.2012 was considered by this Court in the order dated 04.04.2014 passed in W.P.Nos.25701 and 25702 of 20122 as stated above. In the circumstances, the learned counsel for the petitioner prays for disposal of the Review Petition dated 23.06.2015, in the light of the aforesaid judgment of this Court within a stipulated period.

8. In the facts and circumstances of this case, this Writ Petition is disposed of directing the first respondent to pass orders on the Review Petition dated 23.06.2015 in the light of the judgment referred to above within a period of 12 weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

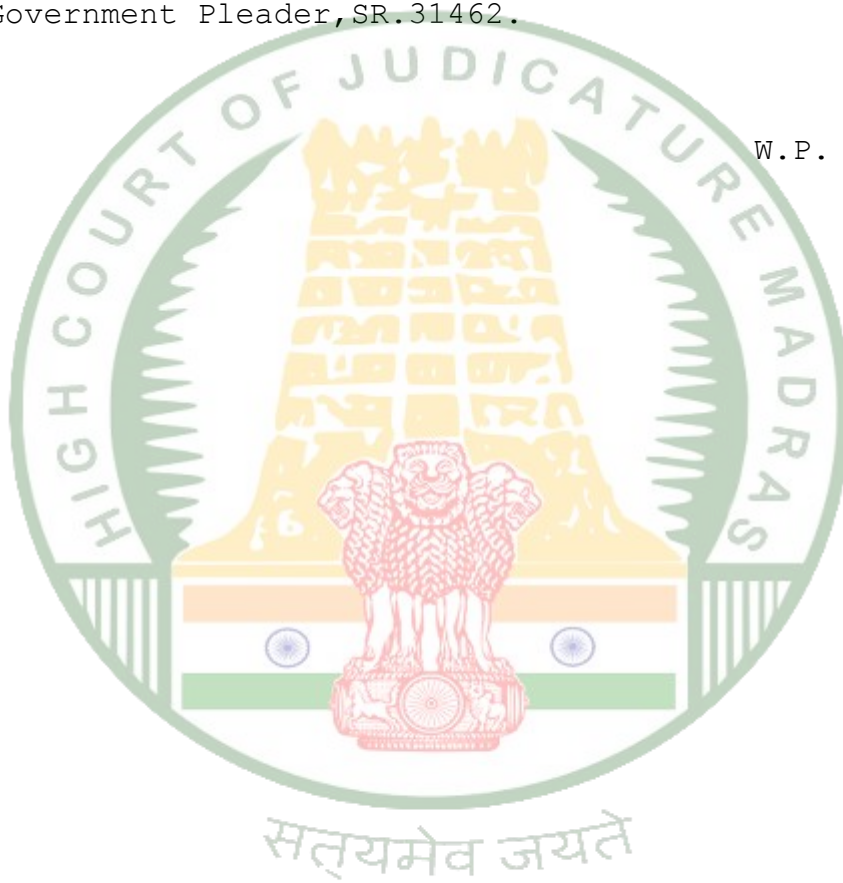
The Secretary,
Government of Tamil Nadu,
Personnel and Administrative Reforms
(H1) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

+1 cc to Mr.G.Sankaran, Advocate, SR.31653

+1 cc to Government Pleader, SR.31462.

Tej (co)
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