

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21149 of 2015

G.Kannan

... Petitioner

Versus

1.The Secretary to Government
Agriculture Department
Secretariat, Chennai-600 009

2.The Secretary to Government
Personnel and Administrative Reforms Department
Secretariat
Chennai-600 009

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the 2nd respondent to promote the petitioner as Assistant by including his name in the panel prepared for the year 2011-12 on par with his junior Thiru.Rizanulla Sheriff who was promoted on 07.05.2012 and consequently consider the name of the petitioner for promotion as Assistant Section Officer in the panel now being prepared by the 2nd respondent in U.O.Note No.47329/UI/2014-I, P & AR Department, dated 19.12.2014 in the light of the orders already passed by this Court in W.P.No.16723 of 2013 dated 02.07.2013 against the same second respondent which was also upheld by this Court in W.A.No.1706 of 2013 dated 20.01.2014.

For Petitioner : Mr.T.Ranganathan

For respondents : Mrs.M.E.Raniselvam, AGP.

O R D E R

The petitioner was appointed as Record Clerk in the Agriculture Department on 15.11.2007. While the junior of the petitioner viz., K.Rizanulla Sheriff was promoted as Assistant by including his name in the panel for the year 2011-12, the petitioner was not promoted at that time. The reason for non-inclusion of the petitioner's name in the panel fit for promotion to the post of Assistant is that the petitioner does not possess the Degree in 10 + 2 +3 pattern. On the other hand, the petitioner studied 10th Standard and thereafter studied I.T.I. 2 years Certificate Course in D-Man (Civil) and passed in April 2000 and also Diploma in Civil Engineering in year 2007 and

thereafter, did B.A., Degree 3 years course and passed in December 2010 and submitted a representation to the 2nd respondent for appointment as Assistant.

2. The grievance of the petitioner is that he should have been included in the panel of Record Clerk fit for promotion to the post of Assistant in the year 2011-12 itself. According to him, the Degree obtained by him after undergoing Diploma Course stands in higher pedestal than the Degree obtained after +2 course.

3. I am in agreement with the said submission made by the learned counsel for the petitioner. In this connection, it is useful to refer my orders dated 02.07.2013 in W.P.No.16723 of 20139 [Lalitha Vs. The Secretary to Government, P & AR Department, Secretariat and another]; order dated 02.08.2013 in W.P.No.21238 of 2013 [C.Susithra Vs. The Secretary to Government, P & AR Department, Secretariat and another] and order dated 02.08.2013 in W.P.No.21239 of 2013 [P.Mariamammal Vs. The Secretary to Government, P & AR Department, Secretariat and another]. Further the above orders were confirmed by a Division Bench of this Court on the appeals filed by the State in W.A.No.1706 of 2013 dated 20.01.2014 in the case of R.Lalitha; in W.A.No.2254 of 2013 dated 17.02.2014 in the case of C.Susithra and in W.A.No.2444 of 2013 dated 06.03.2014 in the case of P.Mariamammal and thereafter, the Government also implemented the same by issuing G.Os in those cases.

4. In view of the judgments referred to above and the Government Orders passed implementing the same, a direction is issued to the second respondent to promote the petitioner as Assistant by including his name in the panel of the year 2011-12 in the appropriate place from the date on which his immediate junior viz., K.Rizanulla Sheriff was promoted on notional basis. The second respondent is directed to carry out the aforesaid exercise within a period of four weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

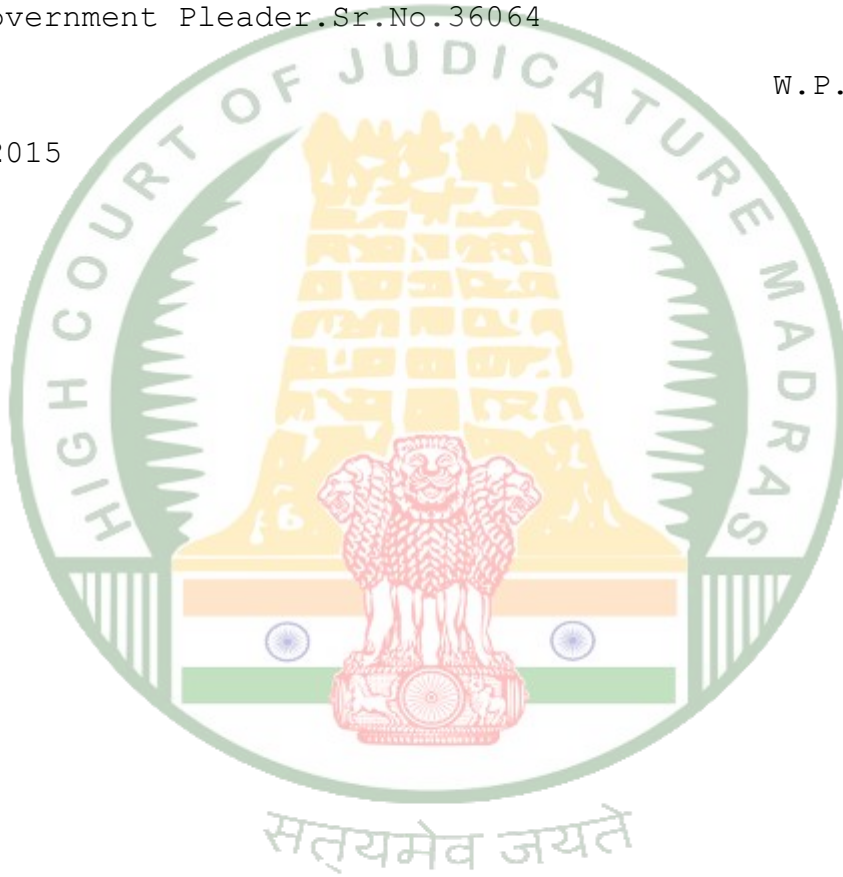
1.The Secretary to Government
Agriculture Department
Secretariat, Chennai-600 009

2.The Secretary to Government
Personnel and Administrative Reforms Department
Secretariat
Chennai-600 009.

1 cc to Government Pleader.Sr.No.36064

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gj (co)
pmk.20.7.2015



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