

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2016

CORAM :

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR. JUSTICE P.KALAIYARASAN

W.P.No.26345 of 2012

&

M.P.No.1 of 2012

1. R.Velumayil
 2. S.Ilango
 3. K.Sivanesan
- Petitioners

Vs.

1. The Secretary (Rural Development)
Chief Secretariat
Government of Puducherry
Puducherry 605 001
Representing Union of India
 2. S.Revathi
 3. T.A.S.I.Avvai
 4. S.Kalavathi
 5. A.Amudha
 6. R.Ramasundari
 7. Central Administrative Tribunal
Rep.by its Registrar
High Court compound
Chennai-104
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, calling for the records relating to O.A.No.375 of 2010 dated 27.7.2012 passed by the 7th respondent and quash the same and allow the O.A.

For Petitioner : Mr.Giridhar for
M/s.P.V.S.Giridhar & Sai Associates

For Respondents : Mr.Manisundar Gopal,
Government Pleader (Pondicherry)
for R1
Mr.R.Venkatesalu for Ms.Usha Raman
for R4 to R6
No appearance for R2 & R3
R7 - Tribunal

ORDER

(Order of the Court was made by A.SELVAM, J.)

This writ petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the order dated 27.7.2012 passed in Original Application No.375 of 2010 by the Central Administrative Tribunal, Madras Bench and to quash the same.

2. The petitioners herein, as applicants, have filed Original Application No.375 of 2010 on the file of the Central Administrative Tribunal, wherein the present respondents have been shown as respondents.

3. It is averred in the application that all petitioners are serving as Extension Officers (Agriculture). The first respondent has passed Recruitment Rules for the post of Joint Block Development Officer vide G.O.Ms.No.2 dated 17.1.1985, wherein the Diploma in Agriculture has not been included as one of the qualifications. Further it is averred in the petition that for the post of Grama Sevak Grade II, the necessary qualification is SSLC coupled with Diploma in Agriculture. Whereas, for the post of Grama Sevika, except qualification of SSLC, no more qualification in Agriculture is required. Under the said circumstances, the present application has been filed so as to declare that the Recruitment Rule for the post of Joint Block Development Officer vide G.O.Ms.No.2 dated 17.1.1985 issued by the first respondent is invalid and unconstitutional, insofar as it does not prescribe the qualification of Diploma in Agriculture.

4. The Central Administrative Tribunal, after considering the divergent contentions raised on either side, has dismissed Original Application No.375 of 2010 by way of passing the impugned order and the same is being challenged in the present writ petition.

5. The learned counsel appearing for the writ petitioners has repeatedly contended to the effect that for getting Grama Sevak Grade II, one must possess qualification of SSLC coupled with Diploma in Agriculture and for the post of Grama Sevika, Diploma in Agriculture is not necessary and the first respondent has passed the impugned G.O.Ms.No.2 dated 17.1.1985 for the post of Joint Block Development Officer, wherein the Diploma in Agriculture has not been mentioned as an essential qualification and since such discrimination is in existence, the petitioners, as applicants, have filed Original Application No.375 of 2010 on the file of the Central Administrative Tribunal, Madras Bench, but the Central Administrative Tribunal, without considering the fact that for appointment to the post of Grama Sevak, one must possess the qualification of SSLC coupled with Diploma in Agriculture and also without considering that the person, who has been appointed as Grama Sevika in due course is also entitled to get promotion to the post of Joint Block Development Officer, has erroneously dismissed the Original Application No.375 of 2010 and therefore, the order passed by the Central Administrative Tribunal, Madras Bench, is liable to be set aside.

6. Per contra, the learned counsel appearing for the first respondent has also equally contended that in G.O.Ms.No.2, dated 17.1.1985, necessary qualifications have been mentioned for the post of Joint Block Development Officer. If the contentions urged on the side of writ petitioners are accepted, definitely some discrimination will be caused to the persons who have been recruited as Grama Sevika. Under such circumstances, the Central Administrative Tribunal, after considering the rival contentions put forth on either side, has rightly dismissed the Original Application No.375 of 2010 and therefore, the order passed by the Central Administrative Tribunal does not call for any interference.

7. The learned counsel appearing for the writ petitioners has relied upon the decision reported in MANU/DE/1562/2013 (Bilju A.T. vs. Union of India and others - passed in W.P.(C) 8744 of 2011 dated 24.5.2013), wherein at paragraph No.59, it is observed as follows:

"59. All petitioners who have completed or when they complete the promotion course, shall be deemed to have been granted promotion as Inspector on the date when their immediate juniors (irrespective of gender) were promoted."

8. The short point that arises for consideration in the present Writ Petition is as to whether the qualification

mentioned in G.O.Ms.No.2, dated 17.1.1985 is perfectly correct or the same is unconstitutional?

9. The entire case of the writ petitioners is based upon the qualification fixed for the post of Grama Sevak Grade II and Grama Sevika. It is an admitted fact that for the post of Grama Sevak Grade II, necessary qualification is SSLC coupled with Diploma in Agriculture, whereas for the post of Grama Sevika, necessary qualification is SSLC. Only on that basis, the writ petitioners have challenged G.O.Ms.No.2 dated 17.1.1985.

10. The learned counsel appearing for the first respondent has befittingly contended to the effect that since for the post of Grama Sevika, Diploma in Agriculture is not necessary and for the purpose of excluding women candidates for the post of Joint Block Development Officers, the petitioners have challenged the G.O.Ms.No.2, dated 17.1.1985.

11. As adverted to earlier, for the post of Grama Sevak Grade II, Diploma in Agriculture is also one of the essential qualifications, whereas for the post of Grama Sevika, Diploma in Agriculture is not at all necessary. In G.O.Ms.No.2, dated 17.1.1985, it has been clinchingly stated to the effect that in case of promotion, the candidates must possess SSLC. Therefore, it is quite clear that for the purpose of giving opportunity to both persons, who have been recruited as Grama Sevak Grade II and Grama Sevika, the qualifications have been fixed in G.O.Ms.No.2 dated 17.1.1985 and no discrimination has been in existence therein. Under the said circumstances, G.O.Ms.No.2 dated 17.1.1985 is not found as unconstitutional.

12. The Central Administrative Tribunal, after considering the overall circumstances, has rightly dismissed the Original Application and further the decision mentioned supra is not applicable to the facts and circumstances of the present case and altogether, the present Writ Petition is liable to be dismissed.

In fine, this Writ Petition is dismissed without cost. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ajr

To

1. The Secretary (Rural Development)
Chief Secretariat
Government of Puducherry
Puducherry 605 001
Representing Union of India

2. The Registrar
Central Administrative Tribunal
High Court compound
Chennai-104

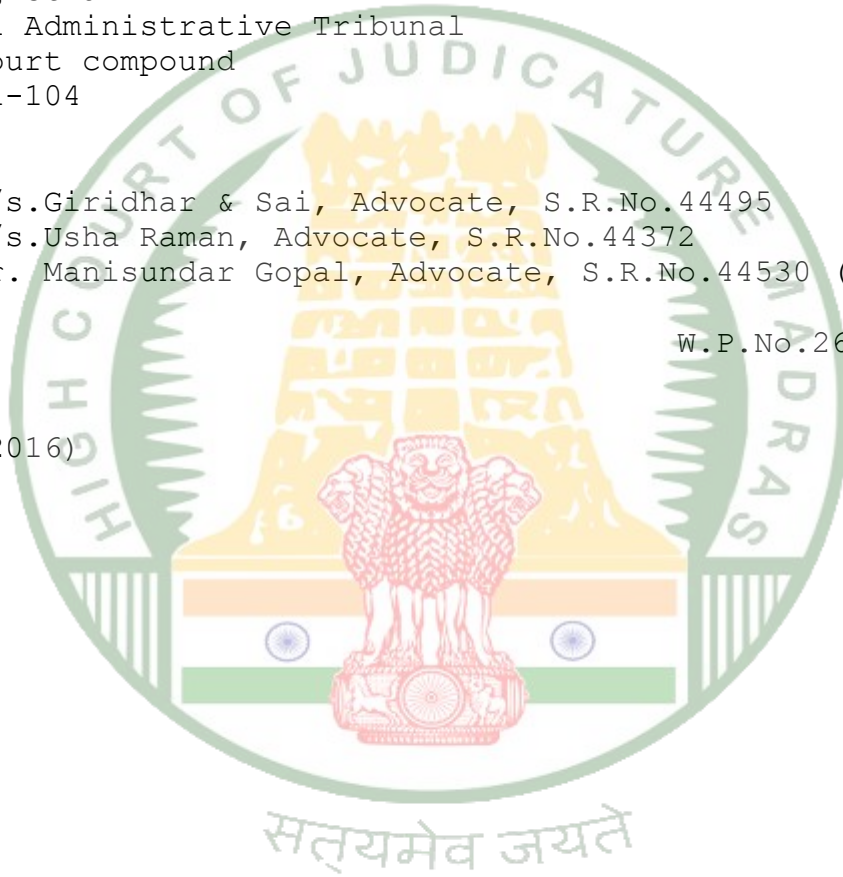
+1cc to M/s.Giridhar & Sai, Advocate, S.R.No.44495

+1cc to M/s.Usha Raman, Advocate, S.R.No.44372

+1cc to Mr. Manisundar Gopal, Advocate, S.R.No.44530 (15.09.2016)

W.P.No.26345 of 2012

RK (CO)
CA (24/08/2016)



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