

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.8.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

**W.A.No.794 of 2017 and
C.M.P.No.10926 of 2017**

J.Umapathy

Appellant

Versus

1. The District Collector,
Thiruvannamalai 606 604.
Thiruvannamalai District.
2. The Assistant Director (Audit)
Rural Development and Panchayat
Department,
Thiruvannamalai 606 604.
Thiruvannamalai District.
3. The Panchayat President,
Vengikal Village Panchayat,
Thiruvannamalai 606 604.
Thiruvannamalai Taluk and District.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.3.2017 passed in W.P.No.27319 of 2009 on the file of this court.

For appellant : Mr.R.Rajarajan

For respondents : Mr.V.Jayaprakash Narayanan,
Special Govt. Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who takes notice on behalf of the respondents.

2. It appears that applying the wrong G.O., the Government is shown to have promoted the petitioner/appellant, who was working as Tax Collector, to the post of Village Assistant and thereafter, realising the same, demoted him and directed for recovery of excess amount paid, by relying upon G.O.Ms.No.175 dated 5.12.2006 and challenging the same, the writ petition was filed. The learned Single Judge, while quashing the recovery order on the ground that the promotion was not on any misrepresentation on the part of the petitioner/appellant, but, by the mistake on the part of the administration, however, held that the demotion was proper since the petitioner/appellant had not possessed the prescribed educational qualification (+2). Challenging the same, the present writ appeal has been filed.

3. It is brought to our notice that subsequently, G.O.Ms.No.72 dated 9.7.2013 has been passed and on the basis of the same, the prescribed educational qualification for the said post is only SSLC which the petitioner/appellant had already possessed and hence, he is eligible to continue in the promoted post. Therefore, it is for the petitioner/appellant to submit a representation in this regard, to the authority concerned within a

period of one week from the date of receipt of a copy of this judgment and in such event, it is for the authority to consider the same and to do the needful in accordance with law, within a period of two months from thereafter. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

(H.G.R.,J.)(G.J.,J.)

7.8.2017.

Index:Yes/No
Internet:Yes/No
ssk.
To:

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**HULUVADI G. RAMESH, J.
AND
G.JAYACHANDRAN, J.**

ssk.



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