

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.791 of 2012

S.Dhanasekaran

... Petitioner

Vs.

1. The Chairman / Managing Director
Head Office,
The New India Assurance Building,
No.87, Mahatma Gandhi Road,
Fort, Mumbai - 400 001.

2. The Deputy General Manager
Regional Office
The New India Assurance Co. Ltd.,
No.770, III Floor,
Deva Tower (Spencer Tower)
Mount Road, Chennai - 600 002

3.The Divisional Manager
New India Assurance Company (Bank Assurance)
'B'Win, Mac Millan House, II Floor,
No.21, Pattulas Road,
Chennai - 600 002

4.K.S.Palani

5.G.Chinappa

(R4 & R5 impleaded as per order
of this court dated 23.01.2012 made
in MP No.3/2012 in WP No.791/2012) ... Respondent

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
Certiorarified Mandamus, calling for the records pertaining to
the promotion list vide CHNRO/HRM/CL.III & IV/2011, dated
30.12.2011 passed by the 3rd respondent herein and quash the same
and promote the petitioner as the post of Assistant in the 3rd
respondent office according to the petitioner's representation
dated 23.12.2011.

For Petitioner : Mr.Dalit Tiger C.Ponnusamy

For R-1 to R-3 : Ms.A.Thayaparan

For R-4 & R-5 : No appearance.

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the promotion list vide CHNRO/HRM/CL.III & IV/2011, dated 30.12.2011 passed by the 3rd respondent herein and quash the same and promote the petitioner as the post of Assistant in the 3rd respondent office according to the petitioner's representation dated 23.12.2011.

2. According to the petitioner, he was working as a record clerk in the 3rd respondent office from 30.06.1989. While so, the 3rd respondent conducted special coaching classes about computer and its process for the purpose of promoting persons from clerical and subordinate staff to the post of Assistants. The petitioner attended all the classes and was in third position in the selection list of eight persons. The 3rd respondent, appointed respondents 4 & 5 herein to the post of Assistant and the petitioner was not selected. According to the petitioner, he is fully qualified to be promoted as Assistant and the respondents 4 & 5 are not qualified as they obtained degree through Open University without passing basic qualification of SSLC. Hence, the petitioner has come out with the present writ petition to quash the promotion list dated 30.12.2011 passed by the 2nd respondent and promote the petitioner to the post of Assistant in the 3rd respondent office as per the representation of the petitioner dated 23.12.2011.

3. When the matter is taken up for hearing, the learned counsel appearing for the respondents 1 to 3 contended that on the date of drawing panel for promotion in the year 2011, the petitioner was not qualified and hence eligible persons were considered and given promotion. In the year 2014, the petitioner was given promotion as Assistant and now he is working as Assistant and nothing survives in this writ petition.

4. Heard the learned counsel for the petitioner as well as respondents and perused the entire materials available on record.

5. The grievance of the petitioner is that he belongs to SC community and he is a physically handicapped person. The respondents 4 & 5 have obtained degree through Open University without passing the basic qualification of SSLC. On the other hand, the petitioner has passed SSLC and obtained B.A. Degree in the year 1997 and he is fully qualified. From the communication of the 3rd respondent dated 28.06.2011, it is seen that the vacancy in Tamil Nadu is only two to be appointed from General Category and three for Scheduled Tribe category. There is no vacancy either for Scheduled Caste or Physically Handicapped Category. The 3rd respondent has published the marks obtained by fourteen persons initially shortlisted and subsequently eight persons shortlisted. From the said list, it is seen that the respondents 4 & 5 have secured 52 & 51 marks respectively whereas the petitioner has secured only 48 marks. The 3rd respondent, considering the marks secured by the respondents 4 & 5 has selected and promoted them for the post of Assistants and the petitioner who has secured lesser mark was not selected and promoted to the said post. There is no error in the impugned order passed by the 3rd respondent for selection to the post of Assistant.

6. In the result, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rgr

To

1. The Chairman / Managing Director
Head Office,
The New India Assurance Building,
No.87, Mahatma Gandhi Road,
Fort, Mumbai - 400 001.

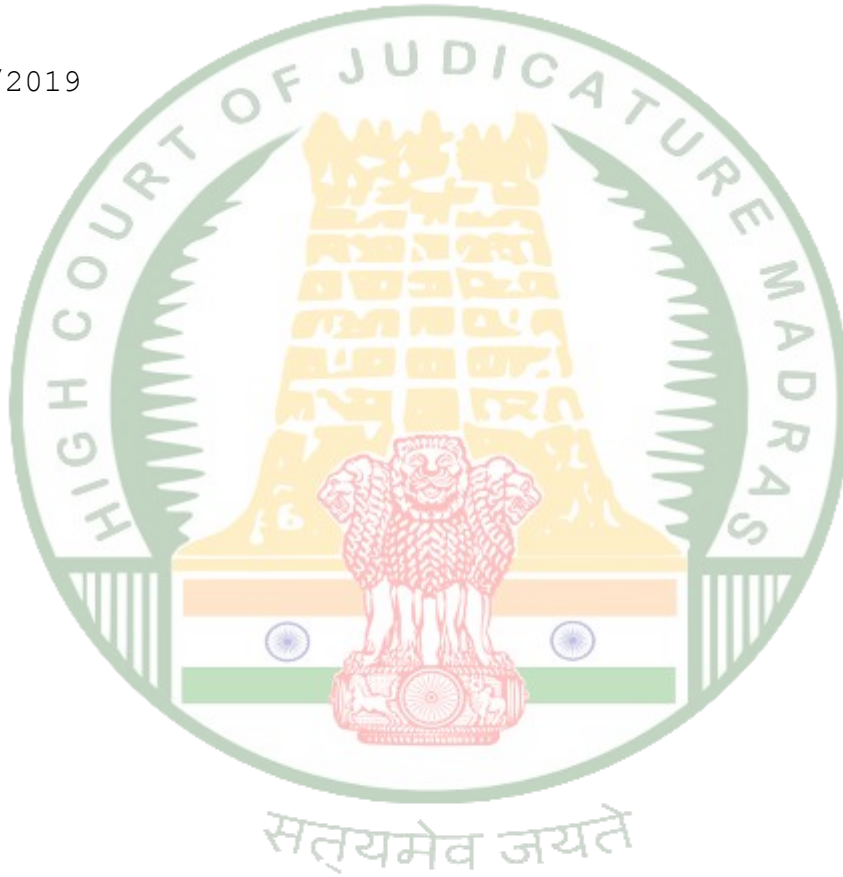
2. The Deputy General Manager
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3.The Divisional Manager
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+lcc to Mr.P.Sukumar, Advocate Sr.51408

W.P.No.791 of 2012

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