



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.232 of 2019

Rasu : Petitioner
Vs.

1. The Registrar General,
Madras High Court,
Chennai - 600 104.
2. The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai - 625 023.
3. The Principal District Judge,
Ramanathapuram District,
Ramanathapuram.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the third respondent to grant exemption to the petitioner in educational qualification and consequently grant promotion to the petitioner by considering his representation dated 20.06.2017.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents 1&2 : Mr.A.K.Baskara Pandian
Special Government Pleader

For Respondent No.3 : Mr.K.Samidurai

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.M.A.Jinnah, learned Counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for respondents 1 and 2 and Mr.K.Samidurai, learned Counsel appearing for the third respondent.

2.The petitioner seeks for a direction upon the third respondent to grant exemption of the educational qualification. The petitioner admittedly does not possess the requisite qualification for being promoted to the post of Examiner / Senior Bailiff / Reader, because the minimum educational qualification is pass in SSLC. The petitioner has completed only 8th Standard. The petitioner's case is that there is power to grant exemption from the minimum educational qualification and therefore, the Court should direct the third respondent to exercise that power and relax the minimum educational qualification in the case of the petitioner and promote him to the post of Examiner / Senior Bailiff / Reader.



3.Though, the Rule may grant power to the appointing authority to relax the educational qualification, unless there are cogent reasons, such relaxation cannot be granted. More so, because there is severe competition to secure a Government job and the recruitment is done by following stringent methods of written test followed by oral interview. Therefore, by exercising jurisdiction under Article 226 of the Constitution of India, we cannot issue a Writ of Mandamus, to direct the third respondent to exercise the discretion and grant relaxation of educational qualification. Therefore, the prayer sought for cannot be granted. Even assuming that there were past instances, that cannot be a ground for us to issue a Writ of Mandamus to the third respondent to exercise his discretion and grant relaxation on the minimum educational qualification.

4.For the above reasons, the prayer sought for cannot be granted. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Registrar General,
Madras High Court,
Chennai - 600 104.

2.The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai - 625 023.

3.The Registrar(Judicial)
Madurai Bench of Madras High Court, Madurai.

4.The Principal District Judge,
Ramanathapuram District,
Ramanathapuram.

Order made in

W.P.[MD]No.232 of 2019

Dated: 05.11.2019

mr /sma/29/11/19/2p/5c