

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.33018 of 2007
and M.P.No.2 of 2007

R.Suresh

...Petitioner

Vs

1.The State of Tamil Nadu Rep.by
The Secretary to Government,
Revenue Department,
Secretariat, Chennai -9.

2.The Principal Commissioner &
Commissioner for Revenue Administration,
Ezhilagam, Chepauk, Chennai -5.

3.The Personal Assistant to
the Collector (General),
O/o. the District Collector,
Collector's Office, Salem.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus, to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.(2D) No.664, Revenue (Ser.V(2)) Dept., dated 1.10.04 and quash the same and direct the respondents to give appointment to the petitioner to the post of Junior Assistant and consequently regularize his service in that post with effect from the date of the initial appointment with all monetary and service benefits.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.K.Magesh
Special Government Pleader

O R D E R

The petitioner has come forward with this writ petition seeking for issuance of Writ of Certiorarified Mandamus, to quash the impugned order passed by the first respondent dated 1.10.04 and consequently to direct the respondents to give

appointment to the post of Junior Assistant and to regularize his service in that post with effect from the date of his initial appointment with all monetary and service benefits.

2. According to the petitioner, he was initially appointed as a Junior Assistant on compassionate grounds. Subsequently, he was terminated from the service on 11.07.1989, for the reason that he was not having adequate educational qualification to continue in the post of Junior Assistant. Challenging the said order, he made a representation before the Tribunal seeking appointment to the post of Record Clerk and he was appointed as Record Clerk on 29.09.1989. While so, the petitioner filed W.P.No.21999 of 2004 before this Court, seeking a direction to regularise his services from the date of initial appoint with all monetary and service benefits. By order dated 02.08.2004, this Court directed the first respondent to consider the petitioner's representation and pass orders in accordance with law and the communicate the same to the petitioner. It is further stated that based on the directions of this Court the respondent also considered the petitioner's representation and rejected the same on the ground that the petitioner had completed 10th Standard in the Open University in the State of Karnataka. The educational qualification possessed by the petitioner is not equivalent to 10th standard in the State of Tamil Nadu, which is prescribed for the post of Junior Assistant. Challenging the same, the present writ petition.

3.The learned counsel for the petitioner would submit that the prescribed qualification for the post of Junior Assistant is 10th standard, the petitioner has also got equivalent qualification of 10th standard and hence, the rejection order of the first respondent is liable to be set aside.

4.The learned Special Government Pleader would submit that though the petitioner was initially appointed as Junior Assistant and subsequently on verification of the certificates produced by the petitioner, it would reveal that the petitioner was not having prescribed qualification to hold the post of Junior Assistant and then he was reverted to the post of Record Clerk. He would further submit that the representation of the petitioner was also duly considered by the respondents and the same was rejected on the ground that the certificates submitted by the petitioner does not show that he possessed sufficient qualification to hold the post of Junior Assistant. Therefore, there is no merit in this petition and hence, the same is liable to be dismissed.

5. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents and perused the materials available on record.

6. Admittedly, the petitioner was initially appointed as Junior Assistant and subsequently, he was reverted to the post of Record Clerk on the ground that the petitioner does not possess adequate qualification to hold the post of Junior Assistant. Further, the mark sheet enclosed in the typed set of papers would reveal that the petitioner was failed in one subject. Therefore, the educational qualification obtained in the Karnataka District is not equivalent to 10th standard in Tamil Nadu. As per Rules of Tamil Nadu Public Service Commission, persons who have passed 10th Standard are eligible for the post of Junior Assistant. The petitioner has not produced any document to show that he has passed in 10th standard or equivalent qualification. Under these circumstances, the rejection order passed by the first respondent is in order.

7. In the light of the above facts, this Court does not find any merit in this writ petition and the same is liable to be dismissed. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai -9.

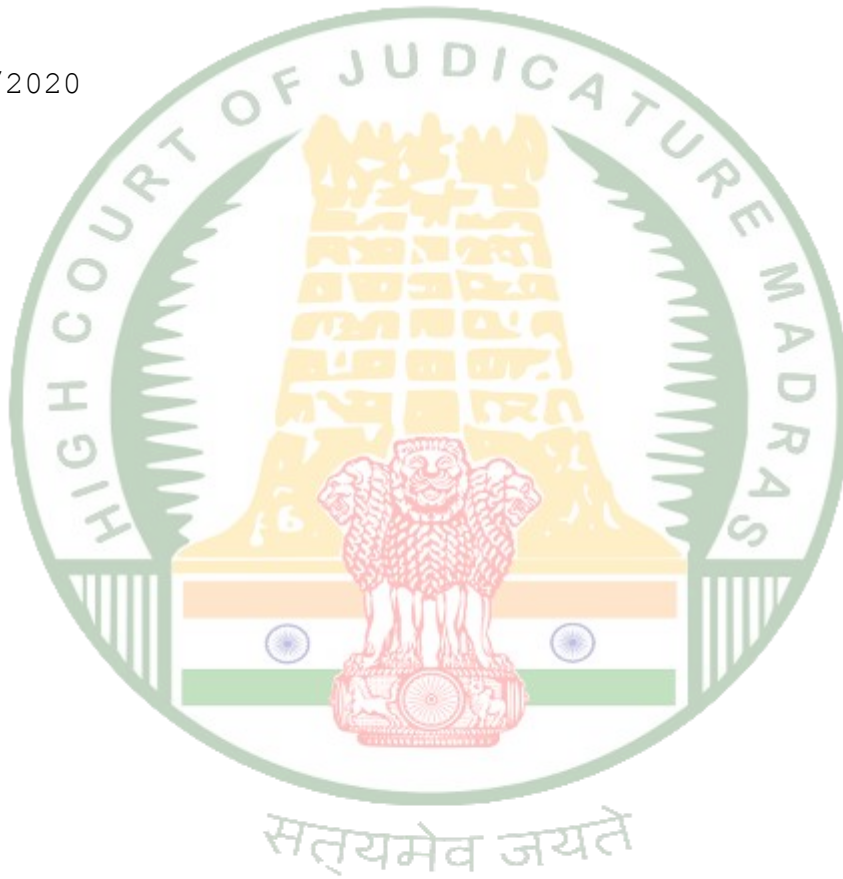
2. The Principal Commissioner &
Commissioner for Revenue Administration,
Ezhilagam, Chepauk, Chennai -5.

3.The Personal Assistant to
the Collector (General),
O/o. the District Collector,
Collector's Office, Salem.

+1cc to Mr.V.S.Jagadeesan, Advocate Sr.36703
+1cc to the Government Pleader Sr.36738

W.P.No.33018 of 2007

gj[col]
srg 08/12/2020



WEB COPY