



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.19259 of 2014

and

M.P (MD) .Nos. 1 and 2 of 2014

WEB COPY

M.Ganesan

... Petitioner

vs.

1.The Government of Tamilnadu,
represented by its Secretary,
Highways and Minor Ports (HK3) Department,
Fort.St.George, Secretariat,
Chennai 600 009.

2.The Chief Engineer (General),
Highways Department,
Chepauk, Chennai 600 005.

3.The Superintending Engineer,
Highways Department,
Tiruppur Circle, Karur Division,
Erode District.

4.The Divisional Engineer,
Highways Department,
Karur Division, Karur District.

5.The Assistant Divisional Engineer,
Highways Department,
Karur Sub Division,
Karur, Karur District.

6.The Assistant Divisional Engineer,
Highways Department,
Kulithalai Sub Division,
Kulithalai, Karur District.

7.The Assistant Divisional Engineer,
Highways Department,
Krishnarayapuram Sub Division,
Krishnarayapuram,
Karur District.

8.The Assistant Divisional Engineer,
Highways Department,
Aravakurichi Sub Division,
Aravakurichi, Karur District.



9.R.Nagarajan,
Salai Paniyalar,
Highways Department,
Kulithalai Sub Division,
Karur Division,
Karur District.

10.R.Muthusamy,
Salai Paniyalar,
Highways Department,
Krishnarayapuram Sub Division,
Karur Division,
Karur District.

11.P.Murugesan,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

12.R.Janakiraman,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division, Karur District.

13.V.Sivakumar,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

14.P.Kannadasan,
Salai Paniyalar,
Highways Department,
Krishnarayapuram Sub Division,
Karur Division,
Karur District.

15.K.Somasundaram,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.



- 16.M.Akbar Baig,
Salai Paniyalar,
Highways Department,
Aravakurichi Sub Division,
Karur Division,
Karur District.
- 17.K.Baluchamy,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.
- 18.R.Mohan,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.
- 19.R.Manickam,
Salai Paniyalar,
Highways Department,
Krishnarayapuram Sub Division,
Karur Division,
Karur District.
- 20.A.Elangoven,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.
- 21.M.Mahendran,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.
- 22.P.Palanichamy,
Salai Paniyalar,
Highways Department,
Krishnarayapuram Sub Division,
Karur Division,
Karur District.



23.S.Vijayakumar,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

24.M.Murugaiyan,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

25.P.Vengaiyan,
Salai Paniyalar,
Highways Department,
Krishnarayapuram Sub Division,
Karur Division,
Karur District.

26.S.Balamurugan,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

27.K.Venkatachalam,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

28.D.Nagarajan,
Salai Paniyalar,
Highways Department,
Kulithalai Sub Division,
Karur Division,
Karur District.

29.A.Jeganathan,
Salai Paniyalar,
Highways Department,
Krishnarayapuram Sub Division,
Karur Division,
Karur District.



30.R.Kuppusamy,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

31.P.Paraman,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

32.K.Arumugam,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

33.S.Sivakumar,
Salai Paniyalar,
Highways Department,
Kulithalai Sub Division,
Karur Division,
Karur District.

34.L.Balasubramani,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

35.G.S.Raja,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

36.R.Anbalagan,
Salai Paniyalar,
Highways Department,
Kulithalai Sub Division,
Karur Division,
Karur District.



37.K.Gnanasekar,
Salai Paniyalar,
Highways Department,
Kulithalai Sub Division,
Karur Division,
Karur District.

38.T.Chandrakumar,
Salai Paniyalar,
Highways Department,
Kulithalai Sub Division,
Karur Division,
Karur District.

39.R.Sivakumar,
Salai Paniyalar,
Highways Department,
Karur Sub Division,
Karur Division,
Karur District.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned promotion panel issued by the fourth respondent in Ku.No.904/20147/A1, dated 18.11.2014, quash the said proceeding and consequently direct the fourth respondent herein to prepare a fresh appropriate panel for the post of Road Inspector Grade II by placing the petitioner in the appropriate place after taking into consideration of the date of passing of 10th standard between the *interse* candidates and by granting all eligible service and monetary benefits.

For petitioner : Mr.A.Saravanan

For R1 to R8 : Mr.Gunaseelan Muthiah
Additional Government Pleader

For R9 to R39 : Mr.I.Suthakaran

O R D E R

This petition has been filed by the petitioner seeking to quash the impugned seniority / promotion list in respect of the post of Road Inspector Grade-II, dated 18.11.2014 in Ku.No.904/20147/A1 and to consequently direct the fourth respondent herein to prepare a fresh appropriate panel for the post of Road Inspector Grade II by placing the petitioner in the appropriate place, after taking into consideration of the date of passing of 10th standard between the *interse* candidates and by granting all eligible service and monetary benefits.



2.The learned counsel for the petitioner submitted that the petitioner had passed 10th standard in the year 1986 under regular stream of studies in a Government recognized School and has joined in the service of the Highways Department as Salai Paniyalar on 12.11.1997. The next post for promotion for Salai Paniyalar is Road Inspector Grade -II. As per G.O.Ms.No.193, Highways and Minor Ports (HK3) Department, dated 01.08.2008, educational qualification prescribed for the post of Road Inspector Grade -II is 10th standard pass from a recognized School. In the seniority list dated 01.09.2008, the petitioner's name was placed at Sl.No.7 and seniority No.7, but in the impugned seniority list dated 18.11.2014, the petitioner's name was placed at Sl.No.12 and Seniority No.75. The learned counsel for the petitioner would further submit that the petitioner had completed 10th standard even on the date of joining of service in the Highways Department as Road Worker. But, the persons placed above the petitioner and most of the other members in the panel have completed pre-foundation course while in service, which cannot be equated with regular stream. Therefore, they are not qualified and hence, they are not eligible for promotion to the post of Road Inspector Grade-II. But, the official respondents, without considering the same, has prepared the panel. Aggrieved against the impugned promotion panel, dated 18.11.2014, the petitioner is before this Court.

3.The learned Additional Government Pleader appearing for the respondents 1 to 8 submitted that the panel list was prepared for Gang Mazdoors based on the date of regularization, eligibility of passing tenth standard and date of birth as on 01.09.2008. The petitioner was placed in the seniority list for the post of Road Inspector Grade II, dated 01.09.2008 at Sl.No.7 and Seniority No.7. The above list was prepared based on G.O.No.193, Highways and Minor Ports (HK3) Department dated 01.08.2008 for direct recruitment as well as recruitment by transfer from the post of Salai Paniyalar (Gang Mazdoor) in 3:1 ratio. The learned Additional Government Pleader would further submit that in the promotion panel dated 18.11.2014, the petitioner's name is placed at serial No.12 and Seniority No.75 based on Sarinilai Panithoguppu Vithigal Rule 36(b). Though the petitioner passed 10th standard at the time of entry itself, after preparation of the panel dated 01.09.2008, seniors to the petitioner completed 10th standard and they were included in the panel dated 18.11.2014. He further submitted that the promotion panel list has been prepared not only based on the qualification of 10th standard pass but also based on the date of regularisation and date of birth. The petitioner has failed to object the first panel list dated 01.09.2008 which was prepared in similar method. The Gang Mazdoors with 10th qualification from a recognized School are only selected in the panel for the post of Road Inspector Grade -II. Hence, he prayed for dismissal of this Writ petition.



4. The learned counsel appearing for the respondents 9 to 39 submitted that the seniors to the petitioner, those who were included in the impugned panel, have passed 10th standard only through regular stream and therefore, there is no need to interfere with the impugned panel. Thus, he prayed to dismiss this writ petition.

5. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 8 and the learned counsel appearing for the respondents 9 to 39.

6.A Perusal of record shows that the seniority list dated 18.11.2014 was prepared based on the date of regularization, eligibility of passing 10th standard and date of birth. It is seen that the petitioner was appointed as Gang Mazdoor and the seniority of all Gang Mazdoors have been placed based on the date of regularization, eligibility of passing 10th standard from recognized School and date of birth. Even though, the petitioner got higher qualification on the date of appointment itself as Gang Mazdoor, there is no special instruction issued by the Government to consider the promotion post of Road Inspector Grade-II on the aspect of year of passing 10th standard only. Further, according to the respondents, the seniors to the petitioner have completed their 10th standard through regular stream. The petitioner has not contradicted the said submission by producing any document. Therefore, the impugned promotion panel issued by the fourth respondent, dated 18.11.2014, does not warrant any interference.

7. Accordingly, this Writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

msa/gcg

To

1. The Secretary,
The Government of Tamilnadu,
Highways and Minor Ports (HK3) Department,
Fort.St.George, Secretariat,
Chennai 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



- 2.The Chief Engineer (General),
Highways Department,
Chepauk, Chennai 600 005.
- 3.The Superintending Engineer,
Highways Department,
Tiruppur Circle, Karur Division,
Erode District.
- 4.The Divisional Engineer,
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Karur Division, Karur District.
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Kulithalai, Karur District.
- 7.The Assistant Divisional Engineer,
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