



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE A.P.SAHI, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD**

W.P.[MD]No.19870 of 2017
and
W.M.P.[MD]No.16146 of 2017

1.G.Ignacy
2.K.Saravanan
3.M.Rani
4.D.Manoharan

: Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by the Secretary,
Adi Dravidar & Tribal Welfare Department,
Fort St.George, Secretariat,
Chennai -600 009.

2. The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai - 600 005.

3. The District Adi Dravidar Welfare Officer,
Tirunelveli District, Tirunelveli.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Declaration, declaring Rule 6 of the Tamil Nadu Adi - Dravidar Welfare Subordinate Service Rules as illegal and violative of Articles 14 and 16 of the Constitution of India and consequently to direct the respondent No.1 to provide the qualifications for the classes, categories and grades of officers within the Tamil Nadu Adi-Dravidar Welfare Subordinate Service on par with the Special Rules for the Tamil Nadu Higher Secondary Education Service.

For Petitioners	: Mr.S.Louis
For Respondents	: Mr.V.R.Shanmuganathan Special Government Pleader



O R D E R

**[Judgment of the Court was delivered by
THE HONOURABLE CHIEF JUSTICE]**

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The challenge raised in this writ petition is that Rule 6 of the Tamil Nadu Adi - Dravidar Welfare Subordinate Service Rules, be declared as illegal and violative of Articles 14 and 16 of the Constitution of India, in as much as the qualification of B.Litt., is being recognised as valid for holders of the post of teachers, whereas the same qualification for a tutor-cum-warden under the said Rules is not being considered as a qualification, so as to extend similar benefits. It is, therefore, contended that the qualifications possessed by the petitioner and such similarly placed persons should be treated at par with teachers and they should be extended the same benefits. Since this discrimination is evident, therefore, the Rule 6 of the Welfare Subordinate Services Rules, should be declared as ultra virus.

2. The ground, in our opinion, appears to be that if the benefits are available to teachers who possess B.Litt., qualification, such qualification being possessed by the petitioner and similarly placed persons should also be treated as a valid qualification for extending similar benefits. In our opinion, this does not render the Rule itself as invalid and what the petitioner in effect wants is an equivalence to treat them at par with teachers of the Education department. For this, it is not necessary for the petitioner to challenge the validity of the Rules and he can approach the State Government for an amendment in the Rule itself. In our opinion, no ground is made out for declaring the Rule as ultra virus being in isolation of Articles 14 and 16 of the Constitution of India.

3. We, therefore, consign this writ petition to records without prejudice to the rights of the petitioner to approach the State Government for such equivalence as sought in the present writ petition and shall be open to the Government to take steps or any other decision that may be possible in the matter. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)



1.The Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Fort St.George, Secretariat,
Chennai -600 009.

2.The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai - 600 005.

3.The District Adi Dravidar Welfare Officer,
Tirunelveli District, Tirunelveli.

+1 CC to M/s.SPL.GP (SR-8409[F] dated 26/02/2020)

+1 CC to M/s.S.LOUIS, Advocate (SR-9002[F] dated 27/02/2020)

RJ2

TE : 09/03/2020 : 3P/6C

ORDER MADE IN
W.P.[MD]No.19870 of 2017 and
W.M.P.[MD]No.16146 of 2017
25.02.2020