

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2972 of 2020
(Heard through VC)

A.G.Balajirajan

...Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. By Secretary to Government,
Higher Education, Fort St.George,
Chennai-600 009.
2. The Director,
The Directorate of Collegiate Education,
College Road, DPI Complex,
Nungambakkam,
Chennai-600 006.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondent to raise the Educational Qualification of the Lab Assistant into B.Sc. Degree or Technical Knowledge by considering the petitioner's representation dated 13.12.2019.

For Petitioner : Mr.K.M.Vijayan
For M/s.Karan and Uday
For Respondents : Mr.Karthikeibalan
Govt. Advocate

सत्यमेव जयते
O R D E R

The petitioner has come forward with this writ petition, seeking a direction to the respondent to raise the Educational Qualification of the Lab Assistant into B.Sc. Degree or Technical Knowledge by considering the petitioner's representation dated 13.12.2019.

2. Learned counsel for the petitioner submitted that the petitioner made a representation dated 13.12.2019, followed by several communications to the Higher Education Department, for increasing the qualification in respect of the post of Lab

Assistant to B.Sc. Degree, instead of 10th standard, as higher qualification is required for the present post, pursuant to the existence of a number of vacancies. However, no decision has been taken thereon and therefore the petitioner is before this Court.

3. Learned Government Advocate appearing for the respondents contended that at the first blush, the Writ Petition is not maintainable, in view of the fact that the representation dated 13.12.2019 was sent by one Collegiate Education Technical Staffs Association, whereas the Writ Petitioner has filed the Writ petition in his personal capacity. He further contended that the Government has to take a decision regarding increasing the qualification and the petitioner cannot demand fixation of a particular / higher qualification for a post by merely approaching this Court. He also contended that the petitioner, in the garb of disposal of his representation, indirectly seeks for interfering with the policy decision of the Government, which cannot be accepted.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. A reading of the previous notification dated 23.04.2015 and various newspapers cuttings annexed in the typedset of papers shows that a minimum qualification of 10th standard is fixed for the post of Lab Assistant. However, a policy decision has been taken by the Government with regard to fixation of such qualification to the post of Lab Assistant and this Court cannot interfere with the same by issuing indirect mandamus to the Government to fix a higher qualification, by way of disposal of the representation of the petitioner. At the same time, it is for the Government to take into account the various response received from the Association and others, with regard to fixation of higher qualification to the post of Lab Assistant in the colleges, so that a better education system prevails therein.

6. With the above observation, the Writ Petition is dismissed. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary to Government,
State of Tamil Nadu,
Higher Education, Fort St.George,
Chennai-600 009.
2. The Director,
The Directorate of Collegiate Education,
College Road, DPI Complex,
Nungambakkam,
Chennai-600 006.

+1cc to the Government Pleader, SR.NO.5358

W.P.No.2972 of 2020

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