



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.Nos.20247 of 2020 and 977 of 2021

W.P.No.20247 of 2020:

P.Pandiarajan

...Petitioner

Vs

1. The Additional Chief Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director,
Directorate of Rural Development & Panchayat Raj,
Panagal Maligai, 4th and 5th Floor,
Abdul Razzak Street,
Saidapet, Chennai - 600 015.

...Respondents

W.P.No.977 of 2021:

Tamil Nadu Overseers Association (Recognised)
rep. by its State President V.Natarajan,
1/20, Mariyamman Kovil Street,
Keezputhupattu & Post,
Merkanam Taluk,
Villupuram - 605 014.

...Petitioner

Vs

1. The Government of Tamil Nadu,
rep. by its Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.

2. The Director of Rural Development & Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 600 015.

...Respondents



Prayer: W.P.No.20247 of 2020 filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records of the first respondent pertaining to G.O.(Ms) No.202, Rural Development & Panchayat Raj (E3) Department, dated 01.12.2020 and the records of the second respondent pertaining to notification Na.Ka.No.66051/2011/EE 2.1 dated 03.12.2020 and quash the same.

W.P.No.977 of 2021 filed under Article 226 of the Constitution of India for issuance of a writ of declaration declaring amendment made to rule 4 sub-rule (b) of Tamil Nadu Panchayat Development Engineer Subordinate Service vide G.O.Ms.202 Rural Development and Panchayat Raj (E3) Department dated 01.12.2020 issued by the first respondent as null and void and unconstitutional.

For Petitioner : Mr.K.S.Karthik Raja
in W.P.No.20247/2020

For the Petitioner in : M/s.T.Hemalatha
W.P.No.977 of 2021

For the Respondents : Mr.C.Harsha Raj
in both WPs Counsel for the State

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitions, apparently filed in public interest, require reservation of sorts not based on social or economic status, but for diploma-holders. The petitioners complain that works which would be handed down by the government to persons holding diploma in certain engineering courses are also being given out to certified engineers which is unfair and prejudices the interest of the diploma-holders.

2. When the State is the employer, it is imperative that the State obtain the best quality of talent available. While the State has a responsibility to ensure that citizens have employment opportunities, the State cannot opt for less qualified employees when better qualified employees are willing to do the same job. It is entirely within the policy domain of the State to consider, in its position as an employer, as to what qualifications should be possessed by the employees that the State seeks to engage for undertaking certain works. Merely because restricting the applications to engineers would prejudice diploma-holders, does not mean that the court has to interfere and question the State's wisdom in such regard.



3. No case is made out for the State's right as an employer to determine the qualifications of the employees that it seeks to appoint, to be interfered with merely on the ground that others may be able to do the job and such others should also be provided an opportunity.

4. W.P.Nos.20247 of 2020 and 977 of 2021 are completely devoid of merit and are dismissed. W.M.P.Nos.25033, 25031 of 2020 and 1072 of 2021 are closed.

There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Additional Chief Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director,
Directorate of Rural Development & Panchayat Raj,
Panagal Maligai, 4th and 5th Floor,
Abdul Razzak Street,
Saidapet, Chennai - 600 015.
3. The Principal Secretary to Government,
Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.

+1 cc to M/s.V.Sudhakar, Advocate Sr.No.42860
+1 cc to the Government Pleader, Sr.No.42989

W.P.Nos.20247 of 2020 and 977 of 2021

KSM[co]
NSK 03/09/2021