



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.3190 of 2012

and

M.P. (MD)No. 1 of 2012

WEB COPY

M.Periyasamy

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai-9.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai-104.

3.The Commissioner,
Tiruchirapalli City Corporation,
Cantonment,
Tiruchirappalli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records of the first respondent herein in his proceedings in Letter No.1693/MC.5/2010-12, dated 16.06.2011 and quash the same and consequently direct the first respondent herein to promote the petitioner as Skilled Assistant Grade-II in the third respondent Corporation by relaxing the educational qualification.

For Petitioner	:	Mr.K.Hemakarthiskeyan
For Respondents	:	Mr.D.Muruganandam
		Additional Government Pleader
		for R.1 and R.2
	:	Mr.J.Parekhkumar
		for R.3

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent herein in his proceedings in Letter No.1693/MC.5/2010-12, dated 16.06.2011 and quash the same and consequently direct the first respondent herein to promote the petitioner as Skilled Assistant Grade-II in the third respondent Corporation by relaxing the educational qualification.



2. The case of the petitioner is that the petitioner was appointed as NMR on 01.01.1988 in K.Sathanoor Town Panchayat and subsequently, the said town Panchayat was merged with the Tiruchirappalli City Municipal Corporation, the third respondent herein in the year 1994 and the staffs who were working in the said town Panchayat were also absorbed into the third respondent Corporation. Now, the petitioner is working under the control of third respondent Corporation and his services were regularized by the third respondent Corporation as unskilled worker under permanent capacity in the year 1998, based on the orders issued by the first respondent. Thereafter, the petitioner made so many attempts to complete 10th std., Thereafter, the petitioner obtained necessary permission from the third respondent Corporation and joined in the evening course in the Government I.T.I., Thiruverumbur in the year 2001 and completed the Fitter course in the year 2003. The qualification prescribed for the post of Skilled Assistant Grade II as per the Corporation service rules is X standard and shall possess an I.T.I. Training certificate with experience of not less than 5 years in basic service. Since the petitioner had the qualified service, except 10th std., he made a representation to the third respondent to consider him for the post of Skilled Assistant Grade II. The third respondent forwarded the same to the first respondent through the second respondent on 19.06.2005 and requested to consider for promotion by relaxing he basic educational qualification. However, the first respondent rejected the said proposal on the ground that the educational qualification cannot be waived. Challenging the said order of rejection, the present writ petition is filed.

3. Learned Counsel appearing for the petitioner would submit that in the earlier occasion, the Government rejected the petitioner's request for relaxing the educational qualification to the promotional post of Skilled Assistant Grade-II and subsequently, the petitioner made another representation on 19.12.2003 and the same was forwarded to the second respondent and the the second respondent forwarded the same to the first respondent on 27.08.2014. The above said representation is made based on the relaxation of educational qualification in respect of driver post. Hence, the learned Counsel appearing for the petitioner would pray that this Court may issue a direction to the first respondent to pass appropriate orders on the proposal submitted by the second respondent to the first respondent on 27.08.2014 as expeditiously as possible.

4. Learned Additional Government Pleader appearing for the respondents 1 and 2 has no serious objection for considering the request of the petitioner.

5. Considering the limited request as now sought for by the learned Counsel appearing for the petitioner, though this Court is not inclined to interfere with the impugned order passed by the



the case, this Court only directs the first respondent to pass orders on the proposal forwarded by the second respondent, dated 27.08.2014, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai-9.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai-104.

3.The Commissioner,
Tiruchirapalli City Corporation,
Cantonment,
Tiruchirappalli.

+1 CC to M/s.P.SRINIVASAN, Advocate (SR-2754[F] dated 02/02/2021)

+1 CC to M/s.SPL GP (SR-2605[F] dated 01/02/2021)

W.P (MD) No.3190 of 2012
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PU (CO)

KB (08.02.2021) 3P 6C

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