



W.P. No.1885 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.1885 of 2020 and
W.M.P. No.2210 of 2020

M.Sivashanmugam

... Petitioner

vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Block Development Officer,
Kaveripattinam Panchayat Union,
Kaveripattinam,
Krishnagiri District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Mu.Mu.No.K2/5587/19 dated 22.03.2019 on the file of the first respondent and quash the same and consequently direct the first respondent to post the petitioner as Junior Assistant within a reasonable period to be fixed by this Court.

For petitioner : Mr.C.Mahendran

For respondents : Mr.R.V.Dinesh Raj Kumar,
Additional Government Pleader

ORDER

This writ petition has been filed, challenging the impugned order dated 22.03.2019 passed by the first respondent rejecting the petitioner's request to post him as Junior Assistant from the post of Driver, which he is presently holding.



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2.The reasons given for rejecting the petitioner's representation by the first respondent is that there are no promotional avenues for a Driver. The petitioner was appointed as a Jeep Driver in terms of G.O. Ms. No.134, Rural Development and Panchayat Raj (E5) Department, dated 14.12.2009 and the requisite qualifications for the said post of Driver as per the aforesaid G.O. are as follows:

- a)Must have passed VIII standard;
- b)Must possess a valid driving licence for driving motor vehicle issued by a competent authority under the Motor Vehicles Act, 1998 (Central Act 59 of 1988) and
- c)Must possess practical experience in driving motor vehicles for a period of not less than five years;

3.The qualifications prescribed for a Driver are post centric and are not for the post of Junior Assistant, which the petitioner seeks to be appointed. Admittedly, the qualifications prescribed for a Driver and a Junior Assistant are different. The petitioner has joined the employment as a Driver, knowing fully well that he has no promotional avenues. The petitioner may have worked for a long number of years, but



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that will not entitle him to be promoted as a Junior Assistant. If that is allowed to be happened, the seniority of the existing Junior Assistants will get affected. The petitioner may have got the qualification prescribed for pension appointed as a Junior Assistant, but having been appointed only as a Driver, he cannot seek to be appointed as Junior Assistant, based on his work experience as a Driver, which prescribes specified qualifications but the same are not applicable to the post of Office Assistants and vice versa.

4.Learned counsel for the petitioner drew the attention of this Court to an order dated 05.02.2021 passed by this Court in W.P. No.13849 of 2020 in the case of V.Sumathi and others Vs. The Secretary, School Education and others and would submit that if promotion to the post of Junior Assistant is denied, it means that the career advancement of the petitioner would come to an abrupt halt permanently till his retirement. However, the decision relied upon by the learned counsel for the petitioner pertains to the post of Lab Assistant, which is not applicable in the instant case, where the post presently occupied by the petitioner is Driver, for which specific qualifications have been prescribed including the qualifications possessing a valid driving licence and driving experience. The post of Lab Assistant cannot be equated to the post of a Driver.

5.For the foregoing reasons, this Court is of the considered view



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that the second respondent has rightly rejected the petitioner's request for

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ABDUL QUDDHOSE, J.

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promotion to the post of Junior Assistant under the impugned order and therefore, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected W.M.P. stands closed.

09.12.2022

Index: Yes/No

vga

To

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Krishnagiri District,
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