



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.10044 OF 2014

- 1.G.Bakthavatsalam
- 2.N.Munusamy
- 3.G.Chandrasekaran
- 4.M.Janarthanan
- 5.D.Mani
- 6.P.Mani
- 7.G.Subramaniyan
- 8.M.Mohanam
- 9.C.Babu
- 10.N.Munikrishnan
- 11.S.Murugan
- 12.G.Dhanasekaran
- 13.C.Sekar
- 14.M.Veeraragavan
- 15.G.Dasarathan

... Petitioners

Vs.

1. State of Tamil Nadu
Rep. by the Principal Secretary to Government,
Home Department, Secretariat,
Chennai 600 009.
2. The Additional Director General of Police/
Inspector General of Prisons
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison, Vellore.

... Respondents

PRAYER:

This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus calling for the records in the order bearing letter (Nilai) No.1006 Home (Prison 2) Department dated 28.03.2013 issued by respondent No.1 and quashing the same and directing respondent No.1 not to insist upon the minimum general educational qualification for considering the petitioners for promotion to the post of Chief Head Warder.



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For Petitioners: Mr.M.Radhakrishnan

For Respondents: Mrs. Anitha
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents not to insist upon the Minimum General Educational Qualification for grant of promotion to the post of Chief Head Warder as per the order No.1006, Home, dated 28.03.2013.

2.The petitioners are working as Warder Grade - I in Prison Department. The grievances of the writ petitioners is that the Government prescribed Minimum General Educational Qualification for promotion to the post of Chief Head Warder in Order No.1006, Home, dated 28.03.2013 and on account of such prescription of General Educational Qualification, the petitioners are unable to get promotion to the post of Chief Head Warder.

3.Prescription of Educational Qualification and other criteria are the prerogative of the employers. The Government is competent to fix the qualifications for appointment or to the promotional posts. Such qualifications cannot be challenged ordinarily by the employees, who are working in a particular cadre, unless any such prescription is held to be unconstitutional. In all other circumstances, the Government is competent to prescribe Educational Qualification and other criteria for appointment and promotion.

4.In the present case, the Government prescribed General Qualification for promotion to the post of Chief Head Warder, which is a responsible position in Prison department. Therefore, only if the petitioners acquire the required qualification, they are to be considered for promotion in accordance with rules but not otherwise. This being the factum, the relief as if sought for is misconceived and cannot be considered and it is negative in nature.



5. Accordingly, the writ petition stands dismissed. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sli/sms

To

1. The Principal Secretary to Government,
State of Tamil Nadu
Home Department, Secretariat,
Chennai 600 009.
2. The Additional Director General of Police/
Inspector General of Prisons
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison, Vellore.

+1cc to the Government Pleader, S.R.No.34854

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GPL (CO)
PM/23/06/2022