



W.P.No.14390 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14390 of 2014

A.Yuvaraj

...Petitioner

Vs

- 1.The Government of Tamilnadu,
Rep. by its Secretary,
Revenue Department,
Fort St. George,
Chennai - 9.
- 2.The Commissioner,
Land Survey and Settlement,
Survey House, Chepauk,
Chennai - 5.
- 3.The Additional Director,
Land Survey and Land Records,
Survey House,
Chennai - 5.
- 4.The Regional Deputy Director,
Land Survey and Land Records,
Coimbatore - 18.
- 5.The Assistant Director,
District Survey Office,
Salem District.

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the



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records pertaining to the proceeding of the fourth respondent in Mu.Mu/8994/2007(A5) dated 16.05.2008 and proceeding of the third respondent in Mu.Mu.Na3/31756/2010(L.S.) dated 24.09.2010 and proceeding of the second respondent in Na.Ka.Gha.1/3979/2011(L.S.) dated 21.07.2011 and G.O.(1D).No.179 dated 06.06.2013 passed by the first respondent in dismissing the appeals of the petitioner from including in the panel list of regularization of service as Senior Draftsman in the year 1999 as illegal and quash the same and consequently direct the respondents to include the petitioner's name in the panel list of regularization of service as a Senior Draftsman in the year 1999.

For Petitioner : M/s.T.Dharani

For Respondents : Mr.M.Bindran,
Addl. Government Pleader

ORDER

The claim of the writ petitioner for promotion to the post of Senior Draftsman on par with his junior with retrospective effect has been rejected by the authorities. The said proceedings are under challenge in the present writ petition.

2. The petitioner was appointed as a Surveyor on consolidated pay. After completion of training program in the Assistant Director of Survey and Land Records Department, the petitioner joined in the



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Land Survey Department. The service of the petitioner was regularized as Draftsman in the proceedings dated 23.02.1989 and the next promotional avenues are Land Record Draftsman and Senior Draftsman. The petitioner states the R.D. Test consists of 4 papers in the first part and the computation exam consists of 2 papers in the second part under the old pattern. Admittedly, the petitioner has not passed one test and therefore, his name was not considered for promotion to the post of Senior Draftsman during the relevant point of time.

3. The learned counsel for the petitioner made a submission that the new pattern introduced was subsequently cancelled and the old pattern was adopted and due to the said administrative decision, the opportunity of promotion to the petitioner was denied and therefore, the petitioner is entitled for the relief.

4. The facts in detail in this regard are that,

4.1. The petitioner, while working as Surveyor cum Draftsman, had passed only the first and second papers under Survey test Part-I under the new pattern and had not passed the third paper. Since the petitioner did not pass the third paper, he was not eligible to appear



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for Survey test Part-II. After orders have been issued in 1996 categorizing him as Draftsman and as per G.O(Ms)No.1185, Revenue Department dated 19.12.1995, in which the revised pattern of Survey test ordered in G.O.(Ms) No.870, Commercial Taxes and Religious Endowment Department dated 30.07.1987 have been cancelled and the old pattern of survey Department test have been ordered to be continued, the petitioner has to pass Revenue Draftsman Test [4 papers] or Computation Test [2 papers] in the old pattern, so as to enable to get his probation declared and for future promotion. The petitioner passed the Revenue Draftsman test 1st paper during 5/97, 2nd paper during 11/96, 3rd paper during 5/2001 and 4th paper during 5/97 and the Computation test 1st paper during 5/97 and the 2nd paper during 11/96, as per the old pattern of Survey departmental tests. On the basis of passing in both the papers in the Computation test, the petitioner's name was included in the panel of Land Records Draftsman and promoted as Land Records Draftsman on 10.12.1998 and his services were also regularized in the category of Land Records Draftsman on 10.12.1998.

4.2. It is submitted that according to the Special Rules for the Tamil Nadu Survey and Land Records Subordinate Services, the pre-



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requisite qualification for promotion as Senior Draftsman is a pass in Revenue Draftsman test [4 papers] and Computation test [2 papers], as per the old pattern or Survey test, or Part II [3 papers] as per the new pattern. It is submitted that the petitioner did not pass the 3rd paper in Survey test Part-I as per the new pattern and hence, he was not eligible to appear for Survey test Part II. After the new pattern of tests were cancelled and old pattern of tests were restored, the petitioner had passed both the papers in the Computation test in old pattern during 1996 and 1997 and the Revenue Draftsman tests [4 papers] also in old pattern as follows: 2nd paper during 11/96, 1st and 4th papers during 5/97 and 3rd paper only during 5/2001. Hence, his name was included in the 2002 panel of Senior Draftsman, i.e. after passing the 3rd paper in 05/2001.

4.3. It is submitted that in G.O.(Ms).No.1185, Revenue Department, dated 19.12.1995, it has been ordered that, those who have been appointed in the basic level posts, i.e. Field Surveyor or Draftsman, and who have not passed the old pattern of Survey Department test fully, should pass the Survey test in the revised pattern, Part-I fully and are eligible to sit for Part-II after passing Part-I in full and for Part-III after passing Part-II in full. It is



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submitted that the petitioner, while working as Surveyor cum Draftsman, had passed only the first and second papers under Survey test Part-I under the new pattern and had not passed the third paper. Since the petitioner did not pass the third paper, he was not eligible to appear for Survey test Part-II. Hence, the 2 papers passed by the petitioner under Survey test Part-I under the new pattern could not be considered for future promotion, as the 3rd paper was not passed by the petitioner in the new pattern. Passing of Survey Test Part II [3 papers] in the new pattern is a pre-requisite qualification for promotion to the post of Senior Draftsman. But, as the petitioner had not cleared the 3rd paper in Survey test Part I before restoration of old pattern of test [as per G.O.(Ms).No.1184 dated 19.12.1995], the petitioner's name could not be included in the panel for the post of Senior Draftsman in the year 1999 as requested by the petitioner.

4.4. The petitioner filed an appeal before the fourth respondent herein to include his name in the 1999 panel for the post of Senior Draftsman. The fourth respondent in his Mu.Mu/8994/2007 (AS) dated 16.05.2008 stated that, as the petitioner had passed the Revenue Draftsman test as per the old pattern fully only during 5/2001, his name could be included only in the 2002 panel for the



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post of Senior Draftsman and hence rejected the request of the petitioner. Subsequently, the petitioner preferred an appeal before the third respondent herein and that was also rejected by the third respondent in Mu.Mu.Na/31756/2010 (Ni.a) dated 24.09.2010. The petitioner's appeal before the second respondent herein was also rejected in Na.Ka.Gna.1/3979/2011 (Ni.a) dated 21.07.2011, on the basis that, on the crucial date for 1999 Senior Draftsman panel, the petitioner did not fully pass the pre-requisite Survey departmental tests either in the old pattern or in the new pattern. Subsequently, the appeal filed by the petitioner before the first respondent herein was also dismissed, citing the same reasons, in G.O(ID).No.179 Revenue Department dated 06.06.2013.

5. One should pass all the departmental tests either in the old pattern or in the new pattern fully. The petitioner was neither fully qualified in the old pattern nor qualified in the new pattern. He was partially qualified in both the old and new patterns and therefore, his name was not included in the panel of Senior Draftsman in the year 1999 as per the request of the petitioner. Passing of tests partially in the old and new patterns and equating the syllabus according to the convenience, cannot be absolved.



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6. Thus, this Court do not find any infirmity in respect of the orders passed by the respondents, rejecting the claim of the writ petitioner. Accordingly, the Writ Petition stands dismissed. No costs.

30.06.2022

Index:Yes
Internet:Yes
Speaking order
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To

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S.M.SUBRAMANIAM, J.

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