



W.P.(MD)No.5143 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.5143 of 2020
and
W.M.P(MD)No.4485 of 2020

N.Muruganandam

... Petitioner

Vs.

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Sivagangai District.

2.The District Educational Officer,
Office of the District Educational Officer,
Sivagangai District.

3.The Head Master,
Government Higher Secondary School,
Idaikattur – 630 602,
Sivagangai District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to forthwith promote the petitioner herein as Lab Assistant in the third respondent school from the feeder category as per service seniority.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.T.Amjad Khan,
Government Advocate



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ORDER

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2. The case of the petitioner is that the petitioner entered service as Sanitary Worker in the third respondent school in the year 1994. His educational qualification is Xth standard fail. Thereafter, he was promoted as Record Clerk in the year 2015 and the next level of promotion is Lab Assistant. According to the petitioner, he is fit to be promoted as Lab Assistant on the ground that he completed the Pre Foundation Course in the year 2018 and in view of the same, he is entitled to be promoted as Lab Assistant. Hence, he made a representation before the third respondent on 02.07.2019 requesting to promote him as Lab Assistant. As the same was not considered till date, the petitioner has filed this writ petition with the aforesaid prayer.

3. However, the learned Government Advocate appearing for the respondents would submit that as per G.O.Ms.No.144 P & AR Department, dated 20.11.2017, the Pre Foundation Courses and Foundation Courses conducted by various Universities are not equivalent to S.S.L.C and Higher



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Secondary Courses respectively, the said G.O., was passed in the year 2017 and the petitioner had done the Pre Foundation Course at Tamil Palkalaikalagam, Thanjavur in the year 2018 and hence, the Pre Foundation Course done by the petitioner is not equivalent to S.S.L.C., and therefore, the petitioner is not eligible to be promoted as Lab Assistant and therefore, prayed for dismissal of this writ petition.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the materials placed before this Court.

5. Admittedly, the petitioner did not qualify in the 10th standard and initially, he was appointed as Sanitary Worker on 31.10.1994. Thereafter, he was promoted as Record Clerk in the year 2015 and the next level of promotion is Lab Assistant. He asked for promotion to the post of Lab Assistant stating that he completed the Pre Foundation course and thereby, he made a representation for considering his case to be promoted as Lab Assistant, whereas the learned Government Advocate says that for the post of Lab Assistant, the candidate must possess S.S.L.C. Certificate. Further, as per G.O.Ms.No.144, dated 20.11.2017, the Pre Foundation Courses and Foundation



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Courses conducted by various Universities are not equivalent to S.S.L.C and Higher Secondary Courses respectively. Therefore, when the petitioner did not qualify himself for the promotional post of Lab Assistant, the prayer sought for by the petitioner cannot be granted.

6. In the result, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

08.12.2022

pm

Index: Yes/No

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M.DHANDAPANI, J.

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