



W.P.(MD)No.6648 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.6648 of 2020

and

W.M.P.(MD)No. 5998 and 5999 of 2020

G.Muniasamy

... Petitioner

Vs.

1.State of Tamilnadu

Rep. by its Principal Secretary to the Government,
Handlooms, Handicrafts, Textiles and Khadi Department,
Fort St. George,
Chennai-9.

2.The Director of Handlooms and Textiles

Office of the Director of Handlooms and Textiles,
Kuralagam,
2nd floor,
Chennai-108.

3.The Managing Director

Anna Co-operative Spinning Mills,
Aundipatti,
Theni District.



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4.The Managing Director
Bharathi Co-operative Spinning Mills,
Ettayapuram,
Tuticorin District.

5.The Managing Director
Kanyakumari Director Co-Operative Spinning Mills,
Aralvaimozhi,
Kanyakumari District.

6.The Managing Director
Pudukkottai District Co-operative Spinning Mills,
Aranthangi,
Pudukkottai District.

7.The Managing Director
Krishnagiri District Co-operative Spinning Mills,
Uthangarai,
Krishnagiri District.

8.The Managing Director
Ramanathapuram District Co-Operative Spinning Mills,
Achankulam,
Ramanathapuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration to declare the decision to amend the educational qualification required for the post of Electrical Engineer in co-operative Spinning Mills issued by the Respondent No.2 vide Express Memo in R.C.No.23418/2019 02 dated 01.08.2019 and subsequent



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amendment made by the respondent No.3 to 8 and the recruitment Notification vide Notice No.1/2020/A dated 13.03.2020 issued by respondent No.3 the recruitment Notification vide Na.Ka.BCSM/Staff Recruitment/2020 dt 12.03.2020 issued by the respondent No.4 Recruitment Notification vide Na.Ka.No.11/131/2020-21 dated 12.03.2020 issued by the respondent No.6, Recruitment Notification vide Se.Me.Tho.E/427/Varaikalai/2020 dated 12.03.2020 issued by respondent No.7, Recruitment Notification vide Se.Me.Tho.E/421/Varaikalai/2020 dated 12.03.2020 issued by Respondent No.8 in so far as the Electrical Engineer post is concerned as illegal and consequently for a direction to restore/include the educational qualification of Diploma in Electrical Engineering with 'C' License issued by the Electrical Inspectorate for recruitment to the post of Electrical Engineer in Co-operative Spinning Mill.

For Petitioner : Mr. T.Lajapathi Roy

For Respondents : Mr.R.Baskaran,
Additional Advocate General
assisted by Mr.C.Satheesh
Government Advocate



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ORDER

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This writ petition has been filed to declare the decision to amend the educational qualification required for the post of Electrical Engineer in Co-operative Spinning Mills issued by the Respondent No.2 vide Express Memo in R.C.No.23418/2019 02 dated 01.08.2019 and subsequent amendment made by the respondent No.3 to 8 and the recruitment Notification vide Notice No.1/2020/A dated 13.03.2020 issued by respondent No.3 the recruitment Notification vide Na.Ka.BCSM/Staff Recruitment/2020 dt 12.03.2020 issued by the respondent No.4 Recruitment Notification vide Na.Ka.No.11/131/2020-21 dated 12.03.2020 issued by the respondent No.6, Recruitment Notification vide Se.Me.Tho.E/427/Varaikalai/2020 dated 12.03.2020 issued by respondent No.7, Recruitment Notification vide Se.Me.Tho.E/421/Varaikalai/2020 dated 12.03.2020 issued by Respondent No.8 in so far as the Electrical Engineer post is concerned as illegal and consequently for a direction to restore/include the educational qualification of Diploma in Electrical Engineering with 'C' License issued by the Electrical Inspectorate for recruitment to the post



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of Electrical Engineer in Co-operative Spinning Mill.

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2. The learned counsel appearing for the petitioner submitted that the petitioner has completed Diploma in Electrical and Electronics Engineering in the year 2000. He also obtained C-License issued by the Electrical Inspectorate. The educational qualification for the post of Electrical Engineer in the Co-operative Spinning Mill is Diploma in Electrical Engineering with C-License issued by the Electrical Inspectorate or Degree in Electrical Engineering. In view of his qualification, he think that he is eligible to apply for the post of Electrical Engineer in the respondents 3 to 8 Co-operative Spinning Mills and he has adequate experience in the post of Electrical Engineer as he had worked for more than 10 years in Govindaraja Textile Private Limited at Virudhunagar. Whiles, the second respondent has arbitrarily issued a express memo, dated 01.08.2019, in which, it is stated that a decision has been arrived at to amend the existing educational qualification required for the post of Electrical Engineer in Co-operative Spinning Mills. The existing educational qualification of Diploma has been completely deleted without



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any proper reasoning. The reason assigned by the second respondent that the Mills have been modernized with latest technological advancement and electronic knowledge is necessary. Hence, they decided to fix the qualification as B.E. (Electrical) / B.Tech., whereas, the petitioner acquired qualification in Diploma in Electrical and Electronics Engineering is deleted, is not sustainable one. Hence, the present writ petition is filed with the aforesaid prayer.

3. The learned counsel for the petitioner further submitted that the petitioner prior to the amendment, the second respondent had fixed educational qualification Diploma in Electrical and Electronics Engineering. whereas, the petitioner's expected qualification is sufficient to participate in the selection to the post of Electrical Engineer in respondents 3 to 8. However, at the time of notification, they changed the qualification is not sustainable one. Accordingly, he prayed for appropriate orders.

4. The learned Additional Advocate General appearing for the respondents submitted that the employee is the best person to fix the



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qualification, in which, the petitioner has no right or *locus standi* to question the qualification fixed by the second respondent and if the person, who acquired appropriate qualification as per the notification alone is entitled to participate in the selection process. Accordingly, he prayed for dismissal of the writ petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts in the present case are not in dispute. When a person is not having acquired the qualification, he has no *locus standi* to file a writ petition challenging the qualification fixed by the second respondent. The second respondent fixed the qualification only for the purpose of betterment of the Co-operative Society and since all the machines were modernized and the latest equipments were installed and for which, the employer has decided to fix the qualification of B.E. Engineering as well as B.Tech., which cannot be interfered with.



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7. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Speaking Order : Yes / No

RM

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M.DHANDAPANI, J.

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