



W.P.(MD)No.11416 of 2019., and batch

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos. 11416 to 11418, 12528 and 11542 of 2019 and

W.M.P(MD) Nos.8685 to 8690, 8805, 9330,

10215, 14080, 14091, 14630, 16129,

23334, 23438 of 2019 and 396 & 11541 of 2020

W.P.(MD)No. 11416 of 2019

C.Dharmar

... Petitioner

vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Highways Department, Chennai.
2. The Director General,
Highways Department, Guindy,
Chennai.
3. The Divisional Engineer,
(Construction and Maintenance),
Highways Department, Dindigul Division,
Dindigul.



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4. The Chief Engineer,
(Construction and Maintenance),
Highways Department, Chennai – 600 025.
 5. The Secretary to Government of Tamil Nadu,
Personnel and Administrative Reforms (M Department),
Chennai.
- ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned orders in Memo No.5291/No.2/Ka/Ma.Pa/2019, dated 25.04.2019 on the file of the 4th respondent confirming the order in Se.Mu.Ka.No.10/2016/B3, dated 25.05.2018 on the file of the 3rd respondent and quash the same and further directing the respondents to restore the services of the petitioner as Skilled Assistant Grade II from 25.05.2018 with continuity of service and monetary benefits.

In all Writ Petitions

For Petitioners : M/s.G.Prabhu Rajadurai

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

COMMON ORDER

These writ petitions are filed to challenge the impugned order, which confirms the order passed by the 4th respondent with consequential relief to



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restore the service of the petitioners as Skilled Assistant Grade II, from 25.05.2018, with continuity of service and monetary benefits.

2. The issues involved in these Writ Petitions are one and the same and hence all the writ petitions are taken up and this common order is passed.

3. The common issue raised by the Writ Petitioners is that, initially, these petitioners have passed pre-foundation course. After issuance of the G.O.Ms.No.144, Personal & Administrative Reforms Department, dated 20.11.2017, the issue of pre-foundation course on the cut off date was elaborately dealt with by the Hon'ble Division Bench of this Court in W.A(MD)Nos.497 to 500 of 2022, dated 05.07.2022. The Government has appointed a Equivalency Committee. Thereafter, the Equivalency Committee has given a report that the pre-foundation course is not equivalent to 10th standard and the foundation course is not equivalent to +2. Accepting the said report, G.O.Ms.No.107, Personnel and Administrative Reforms Department, dated 18.08.2009 was issued. Thereafter, the Government has issued G.O.Ms.No.144, Personal & Administrative Reforms Department, dated 20.11.2017 and in the said Government order, the Government



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has declared that the pre-foundation course is not equivalent to SSLC. Therefore, the Hon'ble Division Bench of this Court has held, since the Government has declared that the pre-foundation course is not equivalent to SSLC, only the G.O.Ms.No.144, the cut off date should be fixed as 20.11.2017.

4. Therefore, this Court is inclined to allow these writ petitions, following the said order passed by the Hon'ble Division Bench of this Court. In these writ petitions, the petitioners have completed the pre-foundation course in the year 2013, which is prior of passing of the G.O.Ms.No.144, Personal & Administrative Reforms Department, dated 20.11.2017. Therefore, these petitioners are entitled for promotion, from the date of passing of the pre-foundation course. The respondents are directed to confer the promotion, by taking into the fact that the petitioners have completed pre-foundation course and confer promotion from the date of passing of the pre-foundation course. The respondents are further directed to complete the said exercise, within a period of eight weeks, from the date of receipt of a copy of the order.



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5. With the aforesaid directions, these Writ Petitions are allowed. No

Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

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Internet : Yes

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Note to Office: Issue a copy of order, on 19.12.2022

To

1. The State of Tamil Nadu,
Represented by its Secretary,
Highways Department, Chennai.
2. The Director General,
Highways Department, Guindy,
Chennai.
3. The Divisional Engineer,
(Construction and Maintenance),
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Common Order made in
W.P.(MD)Nos. 11416 to 11418,
12528 and 11542 of 2019

14.12.2022