



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

**W.P. (MD)No.24017 of 2019
and
W.M.P. (MD)No.20614 of 2019**

M.Muthumuniyandi

... Petitioner

Vs.

1. The Director,
Directorate of Social Welfare,
Panagal Building,
Chennai - 600 015.

2. The Additional Director,
Directorate of Social Welfare,
Panagal Building,
Chennai - 600 015.

3. The District Social Welfare Officer,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Se.Mu.Mu.No.21196/Nir2(2)/2018 dated 11.10.2019 and quash the same as illegal.

For Petitioner : Mr.J.Lawrence, Advocate
For Respondents : Mr.A.K.Manikkam,
Special Government Pleader.

ORDER

The order dated 11.10.2019 cancelling the declaration of probation and regularization granted to the petitioner in the post of Industrial Co-operative Supervisor, is under challenge in the writ petition.

2.The petitioner was appointed in the Survey Department as surveyor and subsequently, he joined as Junior Assistant in the

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Social Welfare Department and thereafter, promoted to the post of Assistant in the year 2016. The petitioner was further promoted to the post of Industrial Co-operative Supervisor in proceedings dated 21.09.2016. The petitioner was allowed to retire from service during the year 2020.

WEB COPY

3.The grievance of the writ petitioner is that he was promoted in accordance with the rules and even in the post of Junior Assistant, relaxation was granted from passing the Departmental Tests. Thus, non passing of the departmental Tests is not a bar for promotion and he was already granted with promotion and under this circumstances the impugned order is liable to be set aside.

4.The fact remains that the petitioner was initially appointed in the Survey Department and subsequently, absorbed in the department of Social Welfare. As far as promotion to the post of Industrial Co-operative Supervisor is concerned, the learned Special Government Pleader relying on his counter stated that the petitioner was given temporary promotion subject to the condition that he should pass Account Test for Subordinate Officers Part-II, before completion of probation. In view of the fact the promotion was temporarily granted to the petitioner and he has not passed the Account Test, the probation itself was cancelled. As per the Special Rules, the petitioner has to pass Account Test for Subordinate Officers Part-II, during the probation period.

5.In the present case, promotion to the post of Industrial Co-operative Supervisor was issued in proceedings dated 21.09.2016 subject to the condition that the petitioner should pass the requisite departmental test during the probation period. Admittedly, the petitioner has not passed the test and therefore, the probation declared was cancelled by the department and this Court do not find any infirmity in respect of the order passed, as the qualification is mandatory as per the rules.

6.In view of the above, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Director,
Directorate of Social Welfare,
Panagal Building,
Chennai - 600 015.
 2. The Additional Director,
Directorate of Social Welfare,
Panagal Building,
Chennai - 600 015.
 3. The District Social Welfare Officer,
Virudhunagar District.
- +1 CC to M/s.J.LAWRANCE, Advocate
(SR-11745[F] dated 14/03/2022)
- +1 CC to M/s.SPL Government Pleader
(SR-12206[F] dated 15/03/2022)

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and
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SP/28/03/2022/3P/6C