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W.P.No.1391 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.1391 of 2020

A.Ramraj

... Petitioner

Vs.

1.The Director (Personnel)
School Education Department,
College Road, Chennai – 600 006.

2.The Chief Educational Officer,
Krishnagiri District,
Krishnagiri – 635 001.

3.The District Educational Officer,
Denkanikottai,
Krishnagiri District – 635 107.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the second and third respondents to appoint the petitioner as Junior Assistant in the School Education Department in Krishnagiri District.

For Petitioner : C.Uma

For Respondents : Mr.T.Chezhiyan,
Additional Government Pleader

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ORDER

This writ petition has been filed by the petitioner seeking to direct the second and third respondents to appoint the petitioner as Junior Assistant in the School Education Department in Krishnagiri District.

2. The facts of the case in a nutshell:

The petitioner viz., A.Ramraj, who is a disabled person coming under the priority category (ORTHO) and completed his B.A., M.Com., and PGDCA in the year 2008. Thereafter, the petitioner was appointed as Night Watchman under rule 10(a) (1) of the General Subordinate Service Rules dated 23.11.2012. Based on educational qualification, the petitioner got promoted as Record Clerk on 02.02.2018 in Kelamangalam Block Educational Office and he was regularized in the said post with effect from 02.02.2017. Subsequently, his probation was also declared on 01.02.2018. By proceedings of the second respondent dated 18.03.2019 applications were called for through the Denkanikottai, Krishnagiri / Mathur / Hosur District Education Officers for the post of Junior Assistant by promotion from



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eligible candidates holding the post of Record Clerk. Hence, the third respondent recommended the name of the petitioner along with one K.Chandrasekar for promotion to the post of Junior Assistant from the post of Record Clerk.

2.1. The petitioner has applied for the post of Junior Assistant on 23.01.2019 through Kelamangalam Block Educational Office, however, his application was rejected without assigning any reason. In fact, on 13.12.2019, the Block Educational Officer, Kelamangalam has issued a certificate that from 01.06.2019, the petitioner has been working as Junior Assistant till date in the vacant post of Junior Assistant in his office. At this juncture, the petitioner's application has been rejected. Hence, he made representation dated 24.12.2019 before the respondents, however, no action has been taken. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner was appointed as Night Watchman on 23.11.2012 and subsequently, promoted as



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Record Clerk on 02.02.2017 and now, he seeks promotion as a Junior Assistant from the post of Record Clerk. Hence, he prayed this Court to direct the respondents to consider him for the aforesaid promotion.

4. Learned Additional Government Pleader appearing for the respondents has filed a counter affidavit on behalf of the third respondent dated 08.04.2022. For better appreciation, the relevant paragraph of the said counter is extracted hereunder:

“ 11. In Para 5 of the affidavit the writ petitioner contended that “on 13.12.2019 the Block Educational Officer, Kelamangalam issued a certificate that from 01.06.2019, the petitioner has been working as Junior Assistant till date in the vacant post of Junior Assistant in Block Educational Office, Kelamangalam, and the Block Educational Officers have appreciated the petitioner’s work and issue certificates.” For the reason that he was entrusted by the Block Educational Officer, Kelamangalam, to look after the urgent files in the vacant seat of a Junior Assistant in the Office of the Block Educational Officer, Kelamangalam, he could not be considered for promotion as Junior Assistant by violating Rule 3(g) of the Tamil Nadu Ministerial Service Rules and overlooking the senior most Record Clerks found place in the



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seniority list, in that Educational District.”

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5. Learned Additional Government Pleader appearing for the respondents submitted that as per Rule 3(g) of the Tamil Nadu Ministerial Service Rules, the promotion for the post of Junior Assistant will be given only to the persons who have rendered atleast seven years of service in the lower category, but, in this case, the petitioner has completed only six years and five months as on 15.03.2019, when the panel was prepared for the post of Junior Assistant. However, learned Additional Government Pleader appearing for the respondents submitted that the petitioner will be considered for the promotion to the post of Junior Assistant in the next panel on his eligibility.

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

7. In the present case, the petitioner was appointed as Night Watchman on 23.11.2012 and subsequently, he got promoted as Record Clerk with effect from 02.02.2017. As per Rule 3(g) of the Tamil Nadu Ministerial



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Service Rules, seven years is required for promotion in the lower category and in this case, the petitioner was appointed as Night Watchman on 23.11.2012 and on the date of panel, which was prepared on 15.03.2019, the petitioner has completed only six years and five months of service. Hence, he could not be considered for promotion to the post of Junior Assistant from Record Clerk.

8. Taking into consideration the facts and circumstances and the petitioner, being the physically challenged person coming under the priority category, this Court directs the respondents to consider the petitioner's promotion to the post of Junior Assistant from Record Clerk in the next panel and accommodate him in the Kezamangalam Block Education Office on his eligibility.

9. In the result, this writ petition is disposed of with the above direction. No costs.

20.07.2023 (vm)



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Index : Yes/No
Speaking Order : Yes/No

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