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W.P.No.16674 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.16674 of 2013

1. R.Govindasamy
2. K.Natarajan
3. M.Elangovan
4. Dhinadayalan
5. S.Ganesan
6. K.Natarajan

... Petitioners

-Vs-

1. The Principal Secretary to Government,
Home (Prison-II) Department,
Fort St George, Chennai-9.
2. The Additional Director General of Police and
Head of Department/Prisons,
Egmore, Chennai-8.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned order passed in letter D No.1006/Home (Prison II) dated 28.3.13 and quash the same and direct the respondents to consider the claim of the petitioners for promotion as Assistant Jailor and promote them as Assistant Jailor and grant them all consequential service and monetary benefits.



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For Petitioners : Mr.K.Ilayaraja
For Respondents : Mr.M.P.Murugan Raja
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent, thereby rejected the request made by the petitioners to relax the claim of the petitioners for promotion as Assistant Jailor and promote them as Assistant Jailor.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the materials available on record.

3. The petitioners were appointed as Warder Grade II in the Prison Department. As per their seniority list and merit list, they were promoted as Jail Warder Grade I during the year 2005. They were in due for promotion to the post of Chief Head Warder/Assistant Jailor. As per the service Rules, the minimum educational qualification for the appointment of Warder Grade II in the Jail Department is pass in 10th standard. When the petitioners were appointed, they had necessary



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qualification for appointment as Jail Warder Grade II. Prior to the formation of Uniformed Service Recruitment Board, the minimum qualification for the post of Warder Grade II is pass in SSLC by completion of 11 years schooling. After formation of Uniformed Service Recruitment Board, the minimum qualification for the post of Police Constable Grade-II, Warden Grade-II and Fireman is fixed as pass in +2. Therefore, the petitioners sought for relaxation that those who had entered into service in the year 1983 cannot be insisted upon higher qualification for the promotion of either Chief Head Warder or Assistant Jailor.

4. The learned counsel for the petitioners would submit that after introduction of +2 system in the year 1979, the orders have been issued by the Government of Tamil Nadu stating that minimum general education qualification for any appointment is pass in SSLC and a person prior to the introduction of +2 system, the minimum educational qualification is completion of 11 years schooling which is equivalent to SSLC. He also cited the Government letter dated 25.07.1981 written to the Tamil Nadu Public Service Commission stating that a candidate who



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has appeared for SSLC (XI Standard) Public examination after 11 years of regular schooling but failed in that examination is eligible for admission to the first year course of the Higher Secondary by virtue of this eligible for admission to the Higher Secondary, he can be considered to possess the minimum general educational qualification prescribed for entry into public services in the stage. Therefore, the denial of promotion to the petitioners on the ground that they did not possess general educational qualification for further promotion to higher post is illegal.

5. The said letter issued to the Tamil Nadu Public Service Commission states those who were completed 11 years of schooling in old SSLC scheme were permitted to get admission in +2 course. It does not mean that they passed SSLC, since those who have completed 10 years of schooling and the passed out candidates were promoted to 11th standard schooling under the SSLC scheme. Thereafter, under the new scheme namely +2, those who had completed 10 years and passed in SSLC are permitted to join in +1 to pursue their higher secondary education.



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6. Therefore, the relaxation sought for by the petitioners was rightly rejected by the first respondent. That apart, for a period of 25 years, the petitioners did not ask for any relaxation, that too after getting promotion to the higher post by their seniority.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent in letter D No.1006/Home (Prison II) dated 28.03.2013 and this writ petition is devoid of merits and is liable to be dismissed.

8. Accordingly, this writ petition stands dismissed. No costs.

31.07.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

1. The Principal Secretary to Government,
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