



WEB COPY



W.P.No.9340 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM:

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

W.P.No.9340 of 2007

R.Manikandan

...Petitioner

-Vs-

The Assistant Director of
Survey and Land Records,
Theni.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent relating to Pro.Na.Ka.No.A1/941/04(1) dated 24.03.2004, quash the same and issue directions to the respondent to reinstate the petitioner in service and to grant all consequential service and monetary benefits.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

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The writ petition has been filed challenging the order dated 24.03.2004, passed by the first respondent in Pro.Na.Ka.No. A1/941/04(1), thereby terminating the petitioner from service.

2. The petitioner was appointed as Field Surveyor on compassionate ground due to the death of his father. Thereafter, his appointment as Field Surveyor was regularized. The appointment was on condition that the petitioner should pass departmental examinations viz., Surveyors' Test, to be conducted by the Tamil Nadu Public Service Commission. However, he failed to pass the said examinations.

3. Therefore, the petitioner was issued with show cause notice to show, within a period of seven days from the date of receipt of the said show cause notice, as to why his service as Field Surveyor should not be terminated for not passing the departmental examination, within a period of five years of regularization of his service, as per Rule 26(b)(ii) of the General Rules for Tamil Nadu State and Subordinate Service. Hence, the petitioner requested the respondent to grant extension of service for



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passing the test. However, the respondent by the impugned proceeding discharged the petitioner from his service as such, the petitioner filed the present writ petition

4. Heard the learned counsel appearing on either side and perused the materials produced before this Court.

5. It is seen that the petitioner was appointed as Field Surveyor on condition that he should pass the Surveyors' test within a period of five years of regularization of his service. As per Rule 26(b)(ii) of the General Rules for Tamil Nadu State and Subordinate Services, if any candidate fails to pass the said departmental test within the said period of five years, he/she shall be discharged from service. Therefore, the respondent rightly discharged the petitioner from service, since he failed to pass the departmental test within a period five years of regularization of his service. This Court finds no infirmity or illegality in the order passed by the respondent and the writ petition is devoid of merits and liable to be dismissed.



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6. Accordingly, the writ petition stands dismissed. There shall be no order as to cost.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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1. The Assistant Director of
Survey and Land Records,
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G.K.ILANTHIRAIYAN. J.

rts

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