



W.P.No.7204 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.7204 of 2012

G.Srinivasan ... Petitioner

Vs

1.The Director
Directorate of Technical Education,
Guindy, Chennai – 600025.

2.The Principal
Government Polytechnic College,
Krishnagiri – 635 001. ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent to issue suitable order regularizing the service of the petitioner with effect from 01.06.1981 instead of 1.06.1983 and further direct the first respondent to promote the petitioner as Workshop Instructor from the year 2007, when several of his juniors were promoted vide proceedings No.46297/B6/2006-2, dated 03.07.2007 as Workshop Instructors and to give all consequent and attendant benefits.

Page No: 1/7



W.P.No.7204 of 2012

For Petitioner : Ms.Sree Indumathi for
M/s.Su.Srinivasan

For Respondents : Mr.R.Neethi Perumal GA for RR1 & 2

ORDER

The Writ Petition had been filed seeking for a mandamus to direct the first respondent to issue suitable order regularizing the services of the petitioner w.e.f., 01.06.1981 instead of 01.06.1983 and further directing the first respondent to promote the petitioner as Workshop Instructor from the year 2007, when several of his juniors have been promoted.

2.Heard Ms.Sree Indumathi, learned counsel appearing for the petitioner and Mr.R.Neethi Perumal, learned Government Advocate appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner had joined the service as a Lab Assistant in

Page No: 2/7



W.P.No.7204 of 2012

WEB COPY

Krishnagiri Government Polytechnic on 01.06.1981, but however by order dated 02.03.1984, the petitioner's services was regularised only from 01.06.1983. She would submit that similarly placed persons like that of the petitioner, who were appointed, were all regularised from the date of their initial appointment. In view of the belated regularization of services, the petitioner was not duly promoted when his juniors were promoted. Therefore, he had made a representation to the respondents seeking regularization w.e.f., 1981 and also grant promotion to the post of Workshop Instructor on par with his juniors, who were promoted in the year 2007.

4.Countering her arguments, Mr.R.Neethi Perumal, learned Government Advocate appearing for the respondents would contend that on the date of appointment, the petitioner did not possess the qualification as prescribed under the then existing Special Rule for the Tamil Nadu Technical Education Subordinate Services, which was issued in G.O.(Ms).No.2100, Education Department, dated 18.09.1981.

Page No: 3/7



W.P.No.7204 of 2012

WEB COPY

Since the post of Lab Assistant prescribed a period of two years practical experience in the aforesaid Government Order, the petitioner was granted his regularization only from 01.06.1983 i.e., from the date on which the had prescribed the necessary qualification of two years practical experience. He had also relied upon the further Government Orders which had prescribed qualification for the promotion to the post of Workshop Instructor, which came to be originally issued in the year 2004 and thereafter modified in the year 2009. He would submit that as per the modified Government Order in the year 2009, the petitioner would not be entitled to be promoted as a Workshop Instructor and therefore, sought rejection of the Writ Petition.

5.I have heard the learned counsel appearing on either side and perused the materials placed on record.

6.It is an admitted case that the petitioner had been appointed on 01.06.1981. The reliance placed upon by the learned Government

Page No: 4/7



W.P.No.7204 of 2012

WEB COPY

Advocate that on a Government Order which had been subsequently issued in September 2001 cannot be a bench mark to hold that the petitioner was not a qualified person on the date of his appointment. This is because that even prior to issuance of the Government Order prescribing the qualification, the petitioner had been appointed. Therefore, the petitioner is entitled to be regularised from the date of his original appointment, but however coming to the claim for promotion, it is for the respondent on passing orders of regularization of the petitioner w.e.f., 01.06.1981 shall consider the case of the petitioner in regard to the Government Order of the year 2004, which governs the period in which the petitioner claims promotion and not the Government Order of the year 2009, based upon which a counter has been filed indicating that the petitioner is not qualified as per the Government Order of the year 2009.

7.In view of the above, this Court is of the view that a positive direction can be issued to the respondents to regularise the services of the petitioner w.e.f., 01.06.1981 and thereafter the respondent shall

Page No: 5/7



W.P.No.7204 of 2012

WEB COPY

consider the case of the petitioner for further promotion as Workshop Instructor in consonance with the Government Order in G.O.Ms.No.421, Higher Education (B1) Department, dated 08.07.2004. This exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

8.In fine, the Writ Petition is disposed of with the above directions. However, there shall be no orders as to costs.

15.11.2023

Pbn

Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No

To

1.The Director
Directorate of Technical Education,
Guindy, Chennai – 600025.

2.The Principal
Government Polytechnic College,
Krishnagiri – 635 001.

Page No: 6/7



WEB COPY



W.P.No.7204 of 2012

K.KUMARESH BABU,J.

pbn

W.P.No.7204 of 2012

15.11.2023

Page No: 7/7