



WP.No. 9861 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.03.2023**

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No. 9861 of 2016
and
WMP.No. 8836 of 2016

A.Subramanian

...Petitioner

Versus

1. The District Collector
Collectorate
Salem District
Salem
2. The District Revenue Officer
Salem
3. The Revenue Divisional Officer
Attur, Salem.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings dated 26.02.2016 made in Roc.No.7049/2012/A1, passed by the 3rd respondent and quash the same and direct the 3rd respondent to reinstate the petitioner.



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For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.T.Chezhian
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order in Roc.No. 7049/2012/A1 passed by the third respondent, quash the same and consequently to direct the third respondent/Revenue Divisional Officer to reinstate the petitioner.

2. The case of the petitioner is that he was appointed as Village Administrative Officer on 14.02.2009, based on the order in Roc.No. 723/2009/A1 passed by the third respondent/Revenue Divisional Officer, Namakkal. He had completed Secondary School Leaving Certificate (SSLC) with 249 marks in March, 1976 in the Government Higher Secondary School at Sathapadi. However, as per the Government Order dated 25.08.1986 made in G.O.Ms.No.825, Personnel and Administrative Reports (Per.P) Department, a person who had appeared for 11 year S.S.L.C. Public Examination and had failed to obtain 35% in one or more



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subjects, but corresponding subjects or subjects in 10 years S.S.L.C. Public Examination, shall be deemed to have passed the S.S.L.C. Public Examination. Pursuant to the Government Order, the Joint Director and Controller of Examinations, had passed an order dated 25.08.2011 made in Roc.No. 029136/B1/2011. Based on the qualification, the petitioner had applied to the post of Village Administrative Officer and he has cleared the qualified examination and also obtained 45 marks and he was called for certificate verification. After verification of the Certificates, the authorities having satisfied, and in view of the said Government Order and based on the recommendation of the said authority, the petitioner was appointed as Village Administrative Officer. However, the third respondent vide order dated 26.02.2016 made in Roc.No. 7049/2012/A1, terminated the petitioner from service. Hence, the petitioner has come forward with the present writ petition.

3. Counter affidavit has been filed on behalf of the third respondent stating that the petitioner was only appointed as Temporary Village Administrative Officer, Perakarai Nadu Village in Rasipuram, Namakkal District, since he was selected through Special Examination based on



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G.O.Ms.No.439, Revenue Department, dated 15.07.2008 under General Rule 10(a)(i) framed under the Tamil Nadu State and Subordinate Service Rules by imposing certain conditions, vide Roc.No.723/2009/A1/dated 14.02.2009. Subsequently, he was transferred to Attur Taluk, Sathapadi Village. The petitioner requested to regularise his service as Village Administrative Officer, but the petitioner had not possessed requisite qualification for the post of Village Administrative Officer. The petitioner has not even passed examination in 10, +2 pattern conducted by the Board of Examinations, as laid down in G.O.(Ms).No. 439, Revenue Department, dated 15.07.2008.

4. From the enquiry made by the third respondent, it reveals that the petitioner has not produced any evidence for the possession of the requisite qualification and he has also not passed SSLC (11th Std. Old Pattern) and hence, he was terminated from service by the third respondent vide proceedings in Roc.No. 7049/2012/A1, dated 26.02.2016.



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5. It is further stated in the counter affidavit that the petitioner was tentatively appointed as Village Administrative Officer after passing special examination. Whereas, for appointment in full time Village Administrative Officer, a candidate must have passed in SSLC (11th Std. Old Pattern) or X Std (10, +2 Pattern), and he did not possess the requisite qualification. The petitioner himself accepted during the personal enquiry that he does not possess requisite qualification as per G.O.Ms.No. 439/Rev. (Ser.7) Department, dated 15.07.2008. Therefore, the above writ petition is liable to be dismissed.

6. Heard both sides and perused the materials available on record.

7. On a perusal of the affidavit filed in support of the writ petition as well as perusing the averments made in the counter affidavit filed by the third respondent, it is seen that the petitioner was appointed as a Village Administrative Officer, and he was selected under the said General Rule 10(a)(i) for certain conditions, as per proceedings in Roc.No. 723/2009/A1, dated 14.02.2009.



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8. Subsequently, the petitioner was terminated from service, since he did not possess the minimum qualification as prescribed in G.O.Ms.No. 439, Revenue (Service 7(1), Department, dated 15.07.2008.

9. On a further perusal of the records, it reveals that the Schedule-I, under Rule 12 (a) (i) of the Rules, Minimum General Educational Qualification is a pass in the Secondary School Leaving Certificate Examination with eligibility for admission to College Course of studies in the Universities in the State, and a pass therein.

10. It is also submitted that a person, who had appeared for 11 years S.S.L.C. pattern Public Examination, and had obtained 35% marks in each subject, either in one sitting or compartmentally, shall be deemed to have passed the S.S.L.C. Public Examination. It is also submitted that a person who had appeared for examination based on 11 year S.S.L.C. Public Examination and who had failed to obtain 35% in one or more subjects, but who has appeared and obtained 35% marks in the corresponding subject or subjects in the 10 year SSLC Public Examination, shall be deemed to have passed the SSLC Public Examination. It is further



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submitted that a person who had studied optional subjects in 11 year SSLC pattern and failed in the optional subjects, but had obtained 35% marks in all other subjects, except the optional subject in 11 year SSLC Public Examination, shall be deemed to have passed the SSLC Public Examination.

11. The learned Additional Government Pleader appearing for the respondents contended that he has produced G.O.(Ms).No. 439, Revenue (Ser.7(1) Department, dated 15.07.2008 stating that there need not be any concession in minimum general educational qualification prescribed for the post of "full time" Village Administrative Officer. In other words, the candidate should have passed SSLC (11th Std old Pattern) Examination with eligibility to join the University Course or should have passed SSLC Xth Std Examination (under the 10, +2 pattern) conducted by the Board of Examination, Tamil Nadu. However, the petitioner has not produced any materials to prove his case and hence, this Court no material to interfere with the impugned order passed by the third respondent.



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12. Accordingly, the writ petition is dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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Index by : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To

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Collectorate, Salem District, Salem.
2. The District Revenue Officer, Salem.
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V.BHAVANI SUBBAROYAN, J.

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