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W.P.No.23630 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23630 of 2023

K.Jayachandran

... Petitioner

Versus

1.The Director
Directorate of School Education
DPI Campus
Chennai – 600 006

2.The Joint Director of School Education (Personnel)
Directorate of School Education
DPI Campus
Chennai – 600 006

3.The Chief Educational Officer
CEO Office
Villupuram, Villupuram District

4.The Chief Educational Officer
CEO Office
Kallakurichi, Kallakurichi District

5.The Block Educational Officer
Block Educational Office
Tirukovilure Union
Kallakurichi District

... Respondents



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PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 5th respondent to forward all the particulars of the petitioner to the 2nd respondent for seeking exemption from undergoing Foundational Training in the Civil Servants Training Institute, Bhavani Sagar and consequently direct the 2nd respondent to include the name of the petitioner in the panel of Assistants fit for promotion to the post of Superintendents issued by the 2nd respondent in his proceedings in Na.Ka.No.10030/A3/E1/2023 dated 26.04.2023 in the School Education Department under the Tamil Nadu Ministerial Service.

For Petitioner : Mr.C.Iyyapparaj

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This Writ Petition has been filed seeking to direct the 5th respondent to forward all the particulars of the petitioner to the 2nd respondent for seeking exemption from undergoing Foundational Training in the Civil Servants Training Institute, Bhavani Sagar and consequently direct the 2nd respondent to include the name of the petitioner in the panel of Assistants fit for promotion to the post of Superintendents issued by the 2nd respondent in his proceedings in Na.Ka.No.10030/A3/E1/2023 dated 26.04.2023 in the School Education Department under the Tamil Nadu Ministerial Service.



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2. It is the case of the writ petitioner that he was originally recruited to the post of Typist during the year 2010 and his service was regularised on 28.11.2012 and subsequently, he was promoted to the post of Assistant on 20.02.2014. His next avenue of promotion is to the post of Superintendent, subject to the condition he has to undergo foundational training in Bhavani Sagar Training, wherein, he was not sent for such training. Now, it is the grievance of the writ petitioner that he has already crossed the age of 53 years, therefore, the petitioner need not undergo such training in view of the Government Order in G.O.Ms.No.184, Personnel and Administrative Reforms dated 15.10.1999. Hence, he seeks this Court for a direction to the 5th respondent to forward the particulars seeking exemption to undergo the foundational training and include his name in the panel of the Assistant for promotion to the post of Superintendents.

3. Heard both sides and perused the materials placed on record. On perusal of Rule 30 (c) & (d) of the Tamil Nadu Ministerial Service Rules, wherein, it would read as follows:



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“30.Special Qualifications

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... Provided also that no person shall be eligible for promotion as Assistant or Superintendent on and from the 14th June 1987 unless he has passed the District Office Manual Test and Account Test for Subordinate Officers, Part I.

**(c) No Typist shall be eligible for promotion as Assistant or to the posts which carry the scale of pay of Assistant in any department unless he has undergone training as Junior Assistant for a period of one year without detrimental to his Typist work.;*

**(d) Typist appointed by transfer as Junior Assistant shall undergo the Foundational Training conducted at Civil Services Training Institute, Bhavanisagar. Provided that those who have crossed the age of 53 years need not undergo the said Foundational Training.”*

When the Rule itself makes it clear that when the person who has already crossed 53 years, such training is not contemplated. The Government has also passed the Government Order in this regard in G.O.Ms.No.120, Personnel and Administrative Reforms (Trg-1) Department, dated 05.12.2016.

4. Such view of the matter, this Court is of the view that since the Government Order referred above exempts the petitioner from undergoing



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training, the petitioner is entitled to further promotion and the same shall be considered by the respondents in accordance with law. Accordingly, this writ petition stands disposed of. No costs.

10.08.2023

dhk

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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N.SATHISH KUMAR, J.

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