



WP.No.956/2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.956/2017 & WMP.Nos.955 & 16006/2017

R.Karthikeyan

... Petitioner

Versus

1 The State of Tamil Nadu
Rep by Principal Secretary to Government
Revenue Department Secretariat Fort St.
George Chennai-600009

2 The Principal Secretary &
Commissioner of Survey & Settlement
Ezhilagam Chepauk Chennai-600005

3 The Assistant Director of
Survey & Land Records Coimbatore- 18.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus To call for the records relating to the impugned proceedings issued by the 3rd respondent in Na.Ka. A8/ 2442/ 2016 dated 27.12.2016 and to quash the same and consequently directing the Respondents to allow the Petitioner to continue in service and further providing an opportunity for clearing the single



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departmental test in Field Surveyor Test Paper-II and to become regular member of service.

For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mr.S.Ravikumar, Spl.GP

ORDER

- (1) The writ petition has been filed in the nature of a writ of certiorarified mandamus seeking records of the proceedings of the 3rd respondent, the Assistant Director of Survey and Land Records, Coimbatore, in Na.Ka.No.A8/2442/2016 dated 27.12.2016 and to quash the same. The petitioner seeks continuation of service without passing the Departmental Test in Field Surveyor Test Paper No.2 and seeks regularisation of his service.
- (2) The father of the petitioner was employed as Sub Inspector of Survey in the Department of Survey and Land Records. He expired while in service on 03.02.2006. The petitioner was given appointment as Field Surveyor on compassionate grounds by proceedings dated 17.05.2011 and he joined the office on 23.05.2011. His services were regularised from the date of his appointment by G.O.[2D] No.196, Revenue Department, dated 27.02.2014. But however, there was a condition



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that he should pass the departmental examinations, particularly, the two papers called Field Surveyor Test Paper No.1 and Field Surveyor Test Paper No.2. He passed the Field Surveyor Test Paper No.1, but, had not passed the other test namely, Field Surveyor Test Paper No.2. Consequently, even though he had given various reasons about having acute low back pain consequent to an injury suffered by him, the Impugned Order was passed on 27.12.2016, terminating him from service. This Court, by an order dated 14.02.2017, taking note of the representation that relaxation could probably be given, had directed the petitioner to give a further representation.

- (3) Learned Special Government Pleader had also filed WMP.No.16006/2017 seeking extension of time to consider the representation.
- (4) The learned counsel for the petitioner claimed that the petitioner had given a further representation. But, on consideration of the same, orders have been passed on 05.09.2017 in G.O.[2D] No.269, Revenue and Disaster Management Department, Survey and Settlement Wing, SS3[2] Section, wherein, the request of the petitioner to grant



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relaxation from passing Field Surveyor Test Paper No.2 was considered, but was rejected. The issue therefore addressed in the writ petition has now become infructuous and the writ petition necessarily has to suffer an order of dismissal.

- (5) Hence, the writ petition stands **dismissed**. No costs.
- (6) However, the learned counsel for the petitioner was quite resilient and stated that though the said test was required for the post of Field Surveyor, since the petitioner was appointed on compassionate grounds, the respondents may consider granting an employment on any post for which, such tests are not specifically required or compulsorily required.
- (7) The petitioner has not given any representation in that regard till date. The petitioner may give a representation if he is so interested in working in any such post and if it is so given, the respondents, even though the word 'dismissed' is used above, may examine such representation in manner known to law but again in accordance with the Rules and Regulations and in its proper light. Consequently, connected miscellaneous petitions are closed.



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Internet : Yes

To

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C.V.KARTHIKEYAN, J.,

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