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W.P.Nos.27861 & 27862 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.27861 & 27862 of 2023

R.Gnanapragasam ... Petitioner in W.P.No.27861 of 2023
M.Murugan ... Petitioner in W.P.No.27862 of 2023

Versus

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary
Handlooms, Handicrafts, Textiles
and Khadi (G1) Department,
Fort St.George, Chennai – 600 009.
- 2.The Director,
Sericulture Department,
Nethaji Nagar, Hasthampatti,
Salem – 636 007.
- 3.The Joint Director of Sericulture,
O/o Director of Sericulture,
Sericulture Department,
Salem – 636007. ... Respondents 1 to 3 in both Writ Petitions
- 4.The Assistant Director,
Sericulture Department,
Vaniyamabdi. ... 4th Respondent in W.P.No.27861 of 2023
- 5.The Assistant Director,
Sericulture Department,
Thenkasi. ... 4th Respondent in W.P.No.27862 of 2023



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COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein in letter No.22654/Pa.A.4/2021 dated 29.12.2021 and confer the promotion post of Junior Inspector of Sericulture by recruitment by transfer.

For Petitioner : Mr.R.S.Anandan in both Writ Petitions

For Respondents : Mr.S.Prabhakaran,
Government Advocate in both Writ Petitions

COMMON ORDER

Writ Petitions have been filed to direct the respondents in letter No.22654/Pa.A.4/2021 dated 29.12.2021 and confer the promotion post of Junior Inspector of Sericulture by recruitment by transfer.

2.The contention of the learned counsel for the petitioners is that after completion of ten years of service, the petitioners were regularised and brought into regular time scale of pay. The SSLC qualified and regularized daily wages are eligible for promotion to the post of Junior Inspector of Sericulture by recruitment by transfer of service. The persons who are having SSLC qualification, are regularised and entitled to the post of Junior Inspector of Sericulture. Around 33 persons are considered for promotion to the said post. The petitioners passed SSLC in the month of September 2016 and qualified for the promotion post and submitted a representation to the



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respondents in this regard. Accordingly, seven persons recommended for conferring the promotion post, but in the meantime, the qualification for the promotion post of Junior Inspector of Sericulture has been modified to HSC instead of SSLC by issuing an Amendment with effect from 18.09.2019. The petitioners qualified SSLC prior to the Amendment, hence, they are also entitled to the promotion for the vacancy arose prior to 18.09.2019. On the basis of the representation of the petitioners, the 2nd respondent has sent a proposal to the 1st respondent conferring the promotion post to the petitioners and six others in the year 2022, however, no action has been taken on the proposal sent, hence, seeks direction of this Court.

3. On perusal of the records, it appears that as per letter No.22654/Pa.A.4/2021, dated 29.12.2021, the 2nd respondent has sent a proposal to the 1st respondent recommending the petitioners to the promotion post of Junior Inspector of Sericulture, however, no order has been passed.



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4. In such view of the matter, the 1st respondent shall consider the proposal sent by the 2nd respondent, dated 29.12.2021 and pass orders on merits and in accordance with law, within a period of three months, from the date of receipt of a copy of this order.

5. With the above direction, both Writ Petitions are disposed of. No costs.

25.09.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

1. The Principal Secretary for Handlooms, Handicrafts, Textiles
and Khadi (G1) Department,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

2. The Director,
Sericulture Department,
Nethaji Nagar, Hasthampatti,
Salem – 636 007.

3. The Joint Director of Sericulture,



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O/o Director of Sericulture,
Sericulture Department,
Salem – 636007.

4.The Assistant Director,
Sericulture Department,
Vaniyamabdi.

5.The Assistant Director,
Sericulture Department,
Thenkasi.



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N.SATHISH KUMAR, J.

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