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W.P.No.34094 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.34094 of 2022 and
W.M.P.No.33571 of 2022

B.Krishnaveni

... Petitioner

Versus

1.The Chief Engineer,
NCTPS-2, Chennai – 600 120.

2.The Superintending Engineer/P&A/NCTPS-2 TANGEDCO,
NCTPS-2, Chennai – 600 120.

3.Senior Administrative Officer,
NCTPS-2, Chennai – 600 120.

4.The Administrative Supervisor,
Adm 1, NCTPS-2, Chennai – 600 120.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, order or direction, calling for the records on the file of the 2nd respondent Memo No.3885/SE/P&A/SAO/ADMI/ADM.As-1/F.Accts/2022 Dt.27.10.2022 quash the same and consequently direct the respondents to include the name of the petitioner for promotion as Accounts Assistant.

For Petitioner : Ms.Swarnalatha

For Respondents : Mr.K.Rajkumar



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ORDER

This Writ Petition has been filed to call for the records on the file of the 2nd respondent in Memo No.3885/SE/P&A/SAO/ADMI/ADM.As-1/F.Accts/2022, dated 27.10.2022 and quash the same and consequently, direct the respondents to include the name of the petitioner for promotion as Accounts Assistant.

2.The case of the Writ Petitioner is that she was appointed as Typist on 10.10.2018 on compassionate ground and she joined duty on 11.10.2018. The probation of the petitioner has been declared on 17.07.2019 and she cleared the Account Test on 15.02.2020. However, on 08.08.2022, a memo has been issued directing the petitioner to submit required certificate to the office, within seven days from the date of receipt of the memo. The grievance of the Writ Petitioner is that though she possessed a certificate having experience in Computer on Office Automation by completing computer training programme in a private institution named Nandhi Computer School, Perungudi, Chennai, the same has not been taken into consideration. Besides, she has also completed 100 hours course of study on Information Technology in the Institute of Cost Accounts of India. Therefore, when the petitioner is already having qualification with the



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Computer on Office Automation and experience in the computer, her name has not been included in the panel for next promotion as Accounts Assistant.

3.A counter has been filed by the 2nd respondent. The contention of the 2nd respondent is that earlier, the petitioner has completed six months computer course during the year 2003 conducted by a private institution named Nandhini Computer School, Perungudi, Chennai and the said certificate has been produced by her at the time of appointment. In this connection, the petitioner has been informed that as per (Per) B.P.(FB) No.21 (Adm. Br.) dated 29.12.2009, she shall pass the certificate course in Computer on Office Automation conducted by the Directorate of Technical Education which has already been specified in her appointment order in paragraph 9 to the post of Typist. The Government Order in G.O.Ms.No.130, dated 22.07.2008 Personal and Administrative Reforms Department 2(iii) clearly states that for the existing employees (Typists/Steno-Typists) the time frame of two years may be prescribed for acquiring Computer knowledge. The certificate course in Computer on Office Automation is being conducted by the Directorate of Technical Education since June 2002 and the examination is being held twice in a year



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only during the month of January and June. If they fail to possess the above said certificate course within the prescribed period viz., two years, they shall not draw their subsequent increment. The same shall be restored on acquiring the above said qualification. At the time of appointment of the petitioner as Typist, she did not possess the said qualification prescribed namely the certificate course on Office Automation awarded by the Directorate of Technical Education. Hence, the appointment order was issued to the petitioner with the condition mentioned in the appointment order itself that as per B.P.(FB)No.21 (Adm. Br.) dated 29.12.2009, she shall pass the said prescribed qualification. Therefore, the contention of the petitioner that the respondents have indirectly insisting the petitioner to do a Certificate Course on Office Automation conducted by the Department of Technical Education is factually incorrect and false. At the time of appointment itself, she was put on notice that she shall pass the Certificate Course on Office Automation Conducted by the Department of Technical Education. But she failed to acquire the required qualification within the stipulated period contemplated in the Regulations. Therefore, she is ineligible for promotion.



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4.As per Tamil Nadu Electricity Service Regulation 96(3) under the Table, Serial No.7 and as per Amendment issued to the service regulation 96(3) in (Per) F.B. TANGEDCO Pro.No.16, dated 07.05.2018, a member appointed as Typist, Steno-Typist and Personal Clerk on or after 29.12.2009, they should pass in the certificate course on Office Automation awarded by the Directorate of Technical Education provided that those who possess a Degree (or) Diploma in Computer Science (or) Computer Engineering as one of the subjects approved by the University Grants Commission (or) All India Council for Technical Education (or) Directorate of Technical Education (or) an equivalent body (or) Computer Application (or) Information Technology (or) Software Engineering (or) Computing (or) Computer Information System (or) Computer Design shall not be required to acquire the said qualification. Hence, the contention of the petitioner that she was awarded the certificate for 100 hours training course at the Institute of Cost Accounts of India for Information Technology on 24.04.2021 and certificate for studied six months Computer Course in a private institution are eligible for promotion as Accounts/Assistant, are unacceptable. Since the petitioner has not possessed the Certificate Course on Office Automation



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Conducted by the Directorate of Technical Education under the Service Regulations, she is ineligible for promotion.

5.The learned counsel appearing for the petitioner submitted that since the petitioner is qualified and obtained a certificate in the Institute of Cost Accounts of India for Information Technology, her name ought to have been included in the panel for next promotion. Though there is stipulation in the Rule to undergo the certified course on Office Automation within the period of probation, the respondents have declared the probation of the petitioner considering her experience in Computer on Office Automation and not insisted the petitioner to complete such course till such time. Besides, she has also completed computer course and obtained certificate in the private institution. Further, she has also undergone 100 hours training course at the Institute of Cost Accounts of India for Information Technology. Therefore, when she is already having sufficient knowledge on computer, once again she cannot be forced to undergo the course of Computer on Office Automation. Hence, the petitioner's name to be included in the panel for next promotion.



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6.Learned counsel for the respondents submitted that the Rule specifically directs that such course is mandatory and to be completed. The petitioner cannot have a matter of right to seek inclusion of her name in the panel for the next promotion without completing such course in the institution approved either by the University Grants Commission or All India Council for Technical Education or Directorate of Technical Education or a equivalent body.

7.Heard the submissions made on both sides and perused the entire materials.

8.The very appointment order, dated 10.10.2018 issued to the petitioner makes clear that the petitioner has been put on notice to complete a certified course in Computer on Officer Automation awarded by the Technical Education Department as additional Technical Education qualification for the post of Typist/Steno-Typist prior to completion of probation. Such being the position, now it cannot be said that the petitioner does not aware of such condition in the appointment order. The Tamil Nadu Electricity Service Regulation 96(3) under the Table, Serial No.7 and



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Amendment issued to the service regulation 96(3) in (Per) F.B. TANGEDCO Pro.No.16, dated 07.05.2018 makes very clear that a member appointed as Typist, Steno-Typist and Personal Clerk on or after 29.12.2009, they should pass in the certificate course on Office Automation awarded by the Directorate of Technical Education provided that those who possess a Degree (or) Diploma in Computer Science (or) Computer Engineering as one of the subjects approved by the University Grants Commission (or) All India Council for Technical Education (or) Directorate of Technical Education (or) an equivalent body (or) Computer Application (or) Information Technology (or) Software Engineering (or) Computing (or) Computer Information System (or) Computer Design shall not be required to acquired the said qualification. Only the candidate or employee acquired other qualifications as amended in the Regulation, are not required to pass the course in Computer on Office Automation separately. Further, the Amendment also makes clear that the qualification set out in the Regulation ought to have been obtained in the institution approved either by the University Grants Commission or All India Council for Technical Education or Directorate of Technical Education or a equivalent body. Therefore, this Court is of the view that when the qualification is made mandatory and to be



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obtained in a proper institution, merely on the basis of the private course in a private institution, the petitioner cannot direct the authorities to treat that certificates as equivalent one granted by the approved Universities.

9. When the Rule specifically directed the person to undergo such course, the petitioner should have completed the course in Computer on Office Automation within the probation period. No doubt, the authorities have declared the probation of the petitioner and the same will not enure any benefit to the petitioner to get over the very Rule and to claim a right to include her name in the panel for next promotion.

10. Though the affidavit of undertaking is filed before this Court that the petitioner is ready and willing to undergo the Computer on Office Automation course and her name should be included in the promotion list, this Court is of the view that when the service rules are specific about certain qualification, what is relevant at the time of preparation of panel is the said qualification.

11. In such view of the matter, this Court is not in a position to give



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any positive direction to the respondents. Accordingly, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

25.07.2023

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

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To

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