



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 31.10.2023

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THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

WP No.28811 of 2018

and

W.M.P.No.33673 of 2018 & 1780 of 2019

S.Sumathi

..Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Personnel and Administrative Reforms (P&AR)
Department,
Secretariat, Chennai 600 009.
2. The Principal Secretary to Government,
Handloom, Handicraft, Textile & Khadi (G2)Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
- 3.The Commissioner/Joint Director
Department of Sericulture
Nethaji Nagar
Hassthampatti, Salem – 7
Salem District.
- 4.The Assistant Director
Department of Sericulture



Dharmapuri

Dharmapuri District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 24.09.2018 made in Na.Ka.No.12947/Pa.Aa4/2018 passed by the 3rd Respondent and quash the same, consequently direct the respondents to promote the Petitioner as Assistant Inspector of Sericulture based on the approved panel dated 03.07.2018 issued by the 3rd Respondent.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.M.Muthusamy
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned order dated 24.09.2018 made in Na.Ka.No.12947/Pa.Aa4/2018 passed by the 3rd Respondent and for a consequential direction to the respondent to promote the Petitioner as Assistant Inspector of Sericulture based on the approved panel dated 03.07.2018 issued by the 3rd Respondent.



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2. The facts leading to filing of this writ petition are as follows :-

(a) The petitioner was initially appointed as Extension Worker on 01.07.1984 and thereafter, posted as Extension officer on 01.10.1984 at Harur Sub Range under the control of 4th respondent herein. After completion of four years as Extension worker, she was promoted as Supervisor on 25.10.1988 by the 2nd respondent herein and posted at Maravalli Re-ring Women Silk Society.

(b) Thereafter, in the year 2012, the petitioner was promoted as Junior inspector by the 2nd respondent. Her next avenue of promotion is Assistant inspector of Sericulture Department and therefore, the petitioners' name was included in the panel as Seniority No.1246 and Serial No.4 of the panel issued by the 3rd respondent dated 03.07.2018.

Therefore, she is eligible to get promotion as Assistant Inspector of Sericulture on par with others after getting relaxation for passing Departmental Test under Government



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order of the 1st respondent in GO Ms.No.1120, P&AR Department dated 30.10.1984, but the petitioner's claim has been rejected by the 3rd respondent on 24.09.2018 in Na.ka.No.12947/Pa.Aa4/2018 on the ground that she studied the pre-Foundation Course and the same is not equivalent to SSLC and therefore, there is no need to grant relaxation for passing Departmental Test as per the above said government order.

Challenging the said notification, the present writ petition has been filed before this Court.

3. The learned counsel appearing for the petitioner would submit that the petitioner is fully qualified for the post of Assistant Inspector as per Rules of the Respondent Department and also she studied up to 9th std in the regular pattern and thereafter, the petitioner had completed Pre Foundation Course at Madurai kamarajar University in 1987. The said pre-foundation course is equivalent to SSLC in view of GO Ms.No.528 P&AR Department dated 13.05.1985. However, the new



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Government order No.144 dated 20.11.2017 relied upon by the respondent would not be applicable in petitioner's case, since she has satisfied all the qualifications and got promotion as Junior Inspector of Sericulture. The learned counsel further submitted that the similarly placed person one Mr.S.Arunachalan, like that of petitioner, who possessed SSLC through Pre-Foundation Course, was promoted to the post of Assistant Director of Sericulture. The learned counsel for the petitioner further submitted that petitioner is on the verge of retirement and she had also passed the Departmental Test in Accounts in December 2019 and therefore, prays this Court to pass suitable orders.

4. The 3rd respondent has filed a counter affidavit wherein it has been stated that the petitioner has not passed the SSLC, which is the basic qualification required for promotion to the post of Assistant Inspector of Sericulture and has passed only pre-foundation course . The pre-foundation course was previously accepted as equivalent to SSLC as per G.O.Ms.No.528 dated 13.05.1985 and has not been declared as equivalent to SSLC in GO Ms.No.144 dated 20.11.2017 and therefore,



the petitioner's claim for availing the benefit of relaxation from passing Account Test for Subordinate Officers part-I was rejected and therefore, prays for dismissal of this writ petition.

5. Heard the learned counsel for the petitioner and Mr.M.Muthusamy, learned Government Advocate, appearing on behalf of respondents.

6. From the above submissions, it is seen that the third respondent being satisfied with the educational qualification of the petitioner in view of GO Ms.No.528 dated 13.05.1985 had promoted the petitioner to the post of Junior Inspector and included her name in the panel of the year 2017 to 2018 dated 03.07.2018 in Serial no.4 and Seniority No.1246 and now since the petitioner is on the verge of retirement and had also passed the Account Test in the year 2019, she is eligible for promotion as per G.O.Ms.No.528, P & AR Department, dated 18.05.1985, wherein it has been stated that the Pre-Foundation Course conducted by Madurai Kamaraj University, is equivalent to 10th



Standard. In view of the above, the impugned order passed by the 3rd respondent in Na.Ka.No.12947 /Pa.Aa4/2018 dated 24.09.2018, is erroneous and the same is liable to be set aside and accordingly, it is set aside. Consequently, there shall be a direction to the 3rd respondent to consider the case of the petitioner for promotion to the post of Assistant Inspector, Sericulture, if she is entitled to, in the manner known to law, within a period of three months from the date of receipt of a copy of this order.

7. This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

31.10.2023

Index:Yes/No
Internet :Yes /No
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To

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