



W.A(MD)No.643 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A(MD)No.643 of 2023

N.Ulagappan

... Appellant/Petitioner

-VS-

1.The Director of School Education,
College Road,
Chennai – 6.

2.The District Educational Officer,
Kovilpatti Educational District,
Kovilpatti- 628 501,
Thoothukudi District.

3.R.Muthu Muniyasamy

... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order
passed in W.P(MD)No.5913 of 2018 dated 27.02.2023.

For Appellant : Mr.V.P.Rajan for
Mr.V.Kalichamy

For R-1 & R-2 : Mr.A.Baskaran,
Additional Government Pleader



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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Being aggrieved by the order of the Writ Court, dated 27.02.2023 made in W.P(MD)No.5913 of 2018, the appellant/writ petitioner has filed this writ appeal.

2. The appellant/writ petitioner claims notional promotion contending that the third respondent, who is junior to him has been promoted ahead of him and therefore, he is entitled to parity. The Writ Court has rejected the claim of the writ petitioner on the ground that the third respondent was appointed as Peon which is a Class-III Post. As against, the writ petitioner was appointed as Watchman which is a Class-IV post. The third respondent was promoted as Junior Assistant even in the year 1989. Therefore, the claim of the writ petitioner based on G.O.(Ms)No.43, Personnel and Administrative Reforms (Per.B) Department, dated 15.02.1994, cannot be sustained. Aggrieved, the writ petitioner is on appeal.



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3. The learned counsel for the appellant would submit that the third respondent was promoted as per G.O.Ms.No.502 Personnel and Administrative Reforms Department, dated 10.06.1987, by waiving the required period. The learned counsel would contend that the said Government Order is against Rule 3(g) of the Tamil Nadu Ministerial Service Rules.

4. We are unable to countenance the submissions of the learned counsel for the appellant inasmuch as Rule 3(g) of the Tamil Nadu Ministerial Service Rules, would apply only for basic service. The third respondent was admittedly appointed as a Peon which is a Class-III Post and the same cannot be equated to Watchman which is a Class -IV Post. Hence, we do not find any infirmity or illegality in the order of the Writ Court. Therefore, the writ appeal fails and it is accordingly dismissed. No Costs.

[R.S.M., J.]

[L.V.G., J.]

02.06.2023

NCC :Yes/No
Index :Yes/No
PM



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