



W.P.(MD)Nos.17481, 17492 and 17493 of
2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.17481, 17492 and 17493 of 2020

and

W.M.P(MD) Nos.14626, 14636 and 14639 of 2020

M.Malar Chelvan

... Petitioner
(In W.P(MD) No.17481 of 2020)

S.Lohidasan

... Petitioner
(In W.P(MD) No.17492 of 2020)

M.K.Ananthan

... Petitioner
(In W.P(MD) No.17493 of 2020)

Vs.

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board (TWAD)
31, Kamarajar Salai,
Chepauk, Chennai – 600 005.

2. The Secretary cum General Manager,
Tamil Nadu Water Supply and Drainage Board (TWAD),
31, Kamarajar Salai,
Chepauk, Chennai – 600 005.



W.P.(MD).Nos.17481, 17492 and 17493 of 2020

3. The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board (TWAD)
Madurai Region, Ganesh Nagar,
Madurai – 625 007.
... Respondents 1 to 3
(In all cases)
4. The Superintending Engineer,
Sivagangai – Ramanathapuram Circle,
Tamil Nadu Water Supply and Drainage Board (TWAD)
Sivagangai.
... 4th Respondent
(In W.P(MD) No.17481 of 2020)
4. The Executive Engineer,
Rural Water Supply Division,
Sivagangai – Ramanathapuram Circle,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Ramanathapuram
... 4th Respondent
(In W.P(MD) No.17492 of 2020)
4. The Executive Engineer,
Project Division [RCWSS)
Sivagangai – Ramanathapuram Circle,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Ramanathapuram.
... 4th Respondent
(In W.P(MD) No.17492 of 2020)

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records from the first respondent relating to the impugned order/proceeding No.19053/Pa Ni Pi/A2/2013, dated 23.09.2013 in so far as imposing the petitioners with the condition of acquiring the qualification of Certificate Course in Computer on Office Automation issued



W.P.(MD).Nos.17481, 17492 and 17493 of 2020

by the Directorate of Technical Education and the impugned order of promotion of the first respondent passed in proceeding No.24418/ENT/A1/HO/2019, dated 19.02.2020 in so far as not promoting them as Assistant and also the impugned orders of the first respondent passed in Letter No.24418/ENT/A1/2019, dated 17.02.2020 and the third respondent in Memo No.001408/F.Jr.Asst/A1/2019, dated 06.03.2020 proposing to revert them to their original post, quash the same and consequently direct the respondents to declare their successful completion of probation on 26.09.2015 and also to promote them as Assistant w.e.f 19.02.2020 with all the consequential and monetary benefits.

For Petitioners : Mr.S.Arunachalam
(In all cases)

For Respondents : Mr.R.Satheesh
(In all cases)

COMMON ORDER

The present Writ Petitions have been filed by the Junior Assistants working in the Tamil Nadu Water Supply and Drainage Board (TWAD) challenging a condition imposed in their appointment order by transfer wherein, they were directed to complete a Certificate Course in Computer on Office Automation within the probation period.



**W.P.(MD).Nos.17481, 17492 and 17493 of
2020**

WEB COPY

2. The undisputed facts are as follows:

All the petitioners herein were appointed as temporary Fitters in the year 1997 and their services were regularised in August 2006. Thereafter, they were appointed by transfer as Junior Assistants by the order impugned in the writ petition on 23.09.2013. In the said order, a condition has been imposed that the writ petitioners have to undergo Certificate Course in Computer on Office Automation before their completion of probation period. This condition is challenged by the writ petitioners in the present writ petition. Further a consequential order dated 17.02.2020 to the effect that the if they do not complete the said Course, they would be reverted from the post of Junior Assistant to their initial post is also under challenge.

3. The petitioners are covered by the Tamil Nadu Water Supply and Drainage Board Service Regulations, 1972. The Regulation 19 of the Tamil Nadu Water Supply and Drainage Board Service Regulation deals with the qualification for being appointed to the posts in Tamil Nadu Water Supply and Drainage Board (TWAD). The said Regulation 19 deals with the



W.P.(MD).Nos.17481, 17492 and 17493 of 2020

Ministerial Staff. Serial No.4 deals with the mode of appointment Junior Assistant. As per Serial No.4, they could be appointed through direct recruitment, transfer or appointment from Typist including Steno Typist in the Board Secretariat. The qualification prescribed for appointment of Junior Assistant is that they should hold a degree from a University recognised by the University Grants Commission.

4. It is not in dispute that the petitioners have been appointed by way of transfer from the post of Fitter to the post of Junior Assistant. It is one of the feeder categories to be appointed as a Junior Assistant. As per the Regulation, a degree from recognised University is enough to be appointed as a Junior Assistants when the petitioners were appointed by transfer an order dated 23.09.2013. An additional condition was imposed that they should pass a Certificate Course in Computer on Office Automation within a period of probation, which was followed up by another consequential order, dated 17.02.2020, wherein, it was informed that they would be reverted to the initial post who do not pass the Certificate Course.



W.P.(MD).Nos.17481, 17492 and 17493 of
2020

WEB COPY

5. The learned Standing Counsel appearing for the TWAD Board brought to the notice of this Court, the Board proceedings No.33, dated 14.06.2013, wherein, Pass in Certificate Course of Computer on Office Automation has been made as compulsory for being appointed as a Junior Assistant and he contended that in view of the Board proceedings dated 14.06.2013, the petitioners who were appointed as Junior Assistant on 23.09.2013, are covered by the said Board Proceedings. Hence, unless they pass the said Certificate Course, the probation cannot be declared and they would be reverted back to the initial post, namely, Fitter.

6. I have carefully considered the submissions made by the learned counsel on either side.

7. The educational qualification for being appointed as a Junior Assistant has been clearly laid down in Regulation 19 Chapter (IV) (4) of Tamil Nadu Water Supply and Drainage Board Service Regulations, 1972. There is no such condition that Junior Assistant should pass the Certificate Course of Computer on Office Automation for declaration of the probation.



**W.P.(MD).Nos.17481, 17492 and 17493 of
2020**

The Board proceedings have not been carried forward and incorporated in the Service Regulation. Unless the Board proceedings are incorporated in the Service Regulations, the said Board Proceedings cannot be enforced as against the writ petitioners.

8. In view of the above said facts, the condition imposed on the writ petitioners to undergo Certificate Course of Computer on Office Automation is not legally sustainable and it is in violation of Service Regulations. Therefore, the same is set aside.

9. The respondents are directed to declare the probation of the writ petitioners, if they were otherwise eligible without insisting upon a pass in the Certificate Course of Computer on Office Automation.

10. The writ petitioners have also challenged the order of promotion granted to their juniors overlooking them on the ground that the writ petitioners' probation has not been declared in the cadre of Junior Assistant. In case, if the writ petitioners are otherwise qualified, the respondents are



**W.P.(MD).Nos.17481, 17492 and 17493 of
2020**

directed to promote the writ petitioners on par with their juniors.

11. With the above said observations, these writ petitions are allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

19.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board (TWAD)
31, Kamarajar Salai,
Chepauk, Chennai – 600 005.

2. The Secretary cum General Manager,

8/11



**W.P.(MD).Nos.17481, 17492 and 17493 of
2020**

WEB COPY

Tamil Nadu Water Supply and Drainage Board (TWAD),
31, Kamarajar Salai,
Chepauk, Chennai – 600 005.

3. The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board (TWAD)
Madurai Region, Ganesh Nagar,
Madurai – 625 007.
4. The Superintending Engineer,
Sivagangai – Ramanathapuram Circle,
Tamil Nadu Water Supply and Drainage Board (TWAD)
Sivagangai.
5. The Executive Engineer,
Rural Water Supply Division,
Sivagangai – Ramanathapuram Circle,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Ramanathapuram
6. The Executive Engineer,
Project Division [RCWSS)
Sivagangai – Ramanathapuram Circle,
Tamil Nadu Water Supply and Drainage Board (TWAD),
Ramanathapuram.



WEB COPY



**W.P.(MD).Nos.17481, 17492 and 17493 of
2020**

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)Nos.17481, 17492 and 17493 of 2020



WEB COPY



**W.P.(MD).Nos.17481, 17492 and 17493 of
2020**

19.10.2023