



W.P.(MD)No.17156 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.17156 of 2018

and

W.M.P.(MD)No.15088 of 2018

Smt.R.Uma Maheswari

... Petitioner

Vs.

- 1.The Secretary to Government,
Government of Tamil Nadu,
Personnel and Administrative
Reforms Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner,
Directorate of Backward Classes,
Chepauk, Chennai - 5.
- 3.The District Backward and
Minority Welfare Officer,
District Collectorate Campus,
Dindigul.

...Respondents



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WEB C PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring that Rule 3(5) (ii) of Tamil Nadu Leave Rules, 1965 as unconstitutional and violation of Art 14 of the Constitution of India and direct the 1st respondent herein to extend the benefits to Group C & D post under Government and also to set aside the order passed by the 2nd respondent in his letter No.B1/6744/2017, dated 12.10.2017 and also sanction study leave to the petitioner to pursue her B.ED degree in regular course with all benefits as per law.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.S.Kemswaran
Government Advocate

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The present writ of declaration has been instituted to declare Rule 3(5) (ii) of Tamil Nadu Leave Rules, 1965 as unconstitutional and to direct the first respondent to extend the benefits to Group C & D posts under Government and also to set aside the order passed by the 2nd respondent in his letter No.B1/6744/2017, dated 12.10.2017.



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2.The Rule is under challenge in view of the order of rejection passed by the second respondent in proceedings dated 12.10.2017, since the permission sought for by the petitioner to seek admission to B.Ed., Course was denied. The reason stated in the order impugned is that the petitioner is serving under Group 'D' post and under the Provisions of the Tamil Nadu Study Leave Rules, 1965, (hereinafter referred to as 'Rules' for the sake of brevity) the petitioner is not entitled to avail the leave to get admission for B.Ed., Course.

3.Granted permission to undergo certain educational courses under the Rules is a concession extended to the employees. When the 'D' Group employees are not eligible to avail study leave under the Rules, the same cannot be extended by the Court by exercising the powers of judicial review. This Rules are made for the benefit of the employees to acquire educational qualifications, which is a concession granted. More so, the benefit of leave has been granted only to Group 'A' and Group 'B' employees to undergo educational courses. The classification made in this regard is reasonable and permissible under the constitution.



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4.Thus, we do not find any infirmity in the order impugned in the writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)
01.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ta

To

- 1.The Secretary to Government,
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Reforms Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner,
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- 3.The District Backward and
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