



W.P(MD)No.17139 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD)No.17139 of 2016

P. Suresh Kumar

... Petitioner

Vs.

1.Life Insurance Corporation of India,
Yogashema,
Jeevan Bima Marg,
Mumbai – 400 021.
Through its Executive Director (Personnel)

2.The Senior Divisional Manager,
Life Insurance Corporation Limited,
Divisional Office,
“JeevanPrakash” Post Box No.183,
Tirunelveli – 2.

3.The Senior Branch Manager,
Life Insurance Corporation of India,
41, Trivandrum Road,
Palayamkottai,
Tirunelveli – 627 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceeding of the second respondent dated 01.06.2016 and quash the same and consequently



W.P(MD)No.17139 of 2016

directing the respondents to regularize and absorb the service of the petitioner with reference to the date of petitioner's initial appointment as “Office Attender” and extend all consequential benefits both services and monetary.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.C.Godwin

ORDER

This Writ Petition has been filed against the proceeding of the second respondent dated 01.06.2016 to quash the same and for consequential direction to the respondents to regularize and absorb the service of the petitioner with reference to the date of initial appointment as “Office Attender” and extend all consequential benefits both service and monetary in the interest of Justice.

2. A counter affidavit has been filed on behalf of the respondents.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the materials available on record.



W.P(MD)No.17139 of 2016

4. The case of the petitioner is that he was appointed as Office Attender on daily wage basis on 25.02.2022 in the office of the second respondent. He continuously served without any break for 9 years. His date of birth is 07.07.1983 and he belongs to Hindu Yadavar Community, which is recognized as a Backward Class under OBC No.284. The petitioner studied up to 9th standard and discontinued in the year 1999. The petitioner appeared for 10th standard examination in the month of March, 2000. The petitioner passed SSLC in the month of March 2000. The first respondent issued employment notification on 20.05.2011 to recruit all the eligible temporary Class IV employees, who are working in LIC of India for more than 5 years as on 18.01.2011. The petitioner submitted an application in the prescribed format. The respondents conducted written examination on 26.06.2011. But, the petitioner did not receive hall ticket for the written examination.

5. The petitioner made several representations and finally on 20.07.2011 requesting the respondents to consider the petitioner's



W.P(MD)No.17139 of 2016

case sympathetically and to regularize and absorb him on service. As there was no response, the petitioner filed W.P.No.11909 of 2011 before this Court. By order dated 05.04.2016, the Writ Petition was disposed of with a direction to the petitioner to submit a representation to the 3rd respondent along with details of the qualification within two weeks. It was further directed that the third respondent to consider and pass appropriate orders on the said representation in accordance with law within a period of six weeks. In compliance of the same, the petitioner submitted a representation on 27.04.2016 along with requisite documents. In response to the same, the Senior Divisional Manager, the second respondent issued order, dated 12.06.2016, wherein, the representation of the petitioner dated 27.04.2016 was rejected on the ground that the petitioner did not possess the minimum qualification prescribed for the post of Sub Staff on the relevant date i.e 25.02.2022. Aggrieved by the same, the present Writ Petition is filed.

6. In the counter affidavit filed on behalf of the respondents, it



W.P(MD)No.17139 of 2016

is averred that the minimum educational qualification prescribed by the LIC of India for appointment to the posts of Class IV category is pass in 9th standard. The petitioner did not possess the minimum qualification.

7. It is further averred that the Hon'ble Supreme Court of India, while disposing the Civil Appeal Nos.953-968 of 2005, directed the LIC of India, as one time measure, to recruit all the eligible temporary class IV employees, who are working in the LIC of India for more than 5 years as on 18.01.2011 and who had possessed minimum eligible qualification and age at the time of entering into LIC of India.

8. In the counter affidavit it is further averred that the petitioner was engaged as badli worker on 25.02.2002 on daily wage basis and as such, on that date, he should have possessed minimum educational qualification. As the petitioner did not possess the same, his representation was rejected.



W.P(MD)No.17139 of 2016

9. The learned counsel for the petitioner contends that as the petitioner has completed more than five years of service as prescribed by the Hon'ble Apex Court in its order in Civil Appeal Nos.953-968 of 2005, the petitioner's case has to be considered.

9. The learned counsel for the petitioner further contends that with regard to the educational qualification, the date of submission of application has to be considered. In the case of the petitioner, he passed SSLC on the date of submission of the application and as such, the petitioner's case has to be considered for appointment by the respondents.

10. On the other hand, the learned Standing Counsel appearing for the respondents submits that the terms and conditions of the Scheme were enumerated in the affidavit filed before the Hon'ble Apex Court. Recording the same, the Hon'ble Apex Court disposed of the said Special Leave Petitions, wherein, it has been categorically stated that the candidates, who had possessed the



W.P(MD)No.17139 of 2016

minimum eligible qualification and age, as prescribed at the relevant point of their entry into LIC of India, would be considered. As the petitioner did not possess the educational qualification prescribed as on that relevant point of time, the petitioner is not entitled for the relief sought in this Writ Petition and sought to dismiss this Writ Petition.

11. Having heard the submissions of the respective counsels and upon perusal of materials available on record, it is an admitted fact that the petitioner was engaged as badli worker on 25.02.2002 on daily wage basis. So the date of his initial engagement is the crucial date to consider the case of the petitioner with regard to his age and minimum eligible qualification as per the order of Hon'ble Apex Court in Civil Appeal Nos.953-968 of 2005. But, it was made clear in the order of Hon'ble Apex Court that the eligible qualification prescribed at the relevant time of entry into LIC of India has to be considered. The relevant point of time in the present case to be considered is 25.02.2002. Admittedly, as on that date, the



W.P(MD)No.17139 of 2016

petitioner did not possess minimum qualification (i.e) pass in 9th standard. It is also an admitted fact that the petitioner passed SSLC in the year 2011. As such, there is no substance in the contention of the learned counsel for the petitioner that educational qualification possessed by the petitioner as on the date of application submitted pursuant to the order of this Court in W.P.No.11909 of 2011 is untenable.

12. For the above said reasons, in the considered opinion of this Court, the petitioner failed to make out case warranting interference of this Court and the petitioner is not entitled for any relief sought in this Writ Petition as there is no illegality or irregularity in the order passed by the respondents.

13. Accordingly, this Writ Petition is dismissed.

14. No costs.

29.08.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
CM/Indu



WEB COPY



W.P(MD)No.17139 of 2016

BATTU DEVANAND, J

CM/Indu

W.P(MD)No.17139 of 2016

Dated :29.08.2023