



W.P.No.14803 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.14803 of 2015

and

M.P.No.1 of 2015

M.Chandranageswara Rao

...Petitioner

-Vs-

- 1.The Commissioner,
Tamil Nadu Civil Supplies & Consumer,
Protection Department
Chepauk, Chennai - 600005.
- 2.The Joint Commissioner,
Tamil Nadu Civil Supplies & Consumer,
Protection Department
Chepaum, Chennai - 600005.
- 3.The Deputy Commissioner,
Tamil Nadu Civil Supplies & Consumer,
Protection Department
Chepaum, Chennai - 600005.
- 4.The Chairman,
Tamilnadu Public Service Commission,
Frazer Bridge Road, Part Town,
Chennai - 600003.



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...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to 1st respondent proceedings in Na.Ka.No.A4/6994/2014 dated 11.5.2015 and quash the same and direct the respondent to include the petitioner name in the panel of Junior Assistant fit for promotion to the Post of Assistant for the year 2015 and promote him as Assistant by granting exemption from passing Departmental Examination as per G.O.Ms.No.1120 P & AR Department dated 30.10.1984.

For Petitioner : M/s.M.Muthappan

For Respondents : Mr.V.Jeevagiridharan, AGP
[for R1 to R3]

: M/s.C.N.G.Niraimathi [R.4]

ORDER

The above writ petition is filed to call for the records relating to the 1st respondent's proceedings in Na.Ka.No.A4/6994/2014 dated 11.5.2015 and quash the same and direct the respondent to include the petitioner name in the panel of Junior Assistant fit for promotion to the Post of Assistant for the year 2015 and promote him as Assistant by granting exemption from passing Departmental



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Examination as per G.O.Ms.No.1120 P & AR Department dated 30.10.1984.

2. It is the case of the petitioner that he was originally appointed as a Junior Assistant in the Revenue Department in the year 2003 through Employment Exchange at consolidated pay of Rs.4,000/- per month. He thereafter passed the Group IV examination conducted by the TNPSC in the year 2007 and was posted in the 1st respondent's Department as per the proceedings of the 3rd respondent dated 09.12.2010. By the proceedings of the 3rd respondent dated 01.11.2011, the petitioner's service was regularized with effect from 22.10.2010 and he had completed his probation period with effect from 21.12.2012 as mentioned in the proceedings of the 3rd respondent dated 30.09.2013.

3. The petitioner would contend that for being promoted to the next category it was imperative that he pass a Departmental Examination. However, the Government had issued G.O.Ms.No.1120



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P & AR Department dated 30.10.1984 granting exemption from passing the Departmental Examination with certain conditions. As per the aforesaid G.O, a government servant could be exempted from passing the Departmental Examination if he had completed 53 years of age and had made 5 attempts for writing the examination and failed in all those examinations.

4. It is the further contention of the petitioner that he had appeared for the Departmental Examination conducted by the TNPSC in May 2011, December 2011, May 2012, December 2012 and May 2013. In all the 5 attempts he was unsuccessful. Therefore, the petitioner would contend that he fulfilled the criteria contained in the above referred G.O. and he had sought an exemption from the Department vide his letter dated 10.04.2014. However, there was no response to this representation constraining the petitioner to file a writ of mandamus (in W.P.No.3010/2014) seeking a direction to the 1st respondent to consider the representation and promote him as an Assistant by granting exemption from passing a Departmental



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Examination. By order dated 17.03.2015, this Court had directed the

1st respondent to consider and dispose of the petitioner's representation within a period of 3 months.

5. Pursuant to this order, the 1st respondent had passed the impugned order rejecting the request of the petitioner and contending that in the last attempt in May 2013, the petitioner was debarred from writing the examination and therefore it cannot be contended that the petitioner had made 5 unsuccessful attempts. Aggrieved by the said order, the writ petitioner has filed the above writ petition.

6. The 3rd respondent had filed a counter affidavit in which apart from denying the claim of the petitioner it is contended that in order to verify the statement of the petitioner, a letter dated 17.11.2024 had been sent to the TNPSC to verify as to whether the petitioner had attended the examination conducted by the TNPSC. To this letter, a reply dated 23.02.2015 has been received by the TNPSC stating that the petitioner had attended the examinations held



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during May 2011 and December 2012 but had not come out successful. The letter further added that the petitioner's answer paper of the Account Test for Subordinate Officers Part-I held during May 2013 was invalidated as he had violated the rules and regulations of TNPSC while writing the test and he was further debarred from writing the test for a period of 1 year i.e. for December 2013 and May 2014. Therefore, the 5th attempt could not be taken into consideration as the petitioner had been disqualified by TNPSC due to violation of rules and regulations. Therefore, they would submit that the impugned order cannot be found fault with.

7. Heard the learned counsels on either side.

8. The conditions that have been laid down for granting exemption from passing Departmental Examination in G.O.(Ms) No.1120 Personnel and Administrative Reforms (Service – M) Department, dated : 30.10.1984 are as follows:-

"1. Government Servant concerned should be not



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requirements to be exempted from passing the Departmental Examination.

10. Therefore, there appears to be no infirmity in the impugned order passed by the 1st respondent and I see no reason to interfere with the same. Consequently the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

13.06.2024

(shr)

Index : Yes/No

Speaking / Non Speaking Order

Neutral Citation : Yes/No

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P.T.ASHA. J.,

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