



W.P.No.5887 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.5887 of 2024 and
W.M.P.Nos.6517 & 6520 of 2024

1. S.Baskar
2. P.Dharani
3. Ramkumar
4. R.Navamani

...Petitioners

-Vs-

1. The Secretary to Government of Tamilnadu,
Municipal Administration and Water Supply Department,
Fort St., George, Secretariat, Chennai-09.
2. The Commissioner,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.
3. The Director,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.



W.P.No.5887 of 2024

4. The Director,
Directorate of Town Panchayats,
7th and 8th Floor,
Urban Administrative Office Campus,
Chennai-600 028.

5. The Head of Department,
Department of Planning,
School of Architecture and Planning,
Anna University,
Guindy, Chennai-600 25.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in its Notification No.01/DMA/Recruitment/2024 dated 02.02.2024 "in so far as it prescribes that one must possess a Degree in Planning" as one of the educational qualification in Sl.No.7 and 8 of Table XII viz., for the post of Assistant Engineer(Planning) (Corporation) and Town Planning Officer GradeII/Assistant Engineer (Planning) (Municipality) and quash such prescription and consequently direct the respondents to accept the candidature/application of the petitioners for appointment as Assistant Engineer (Planning) (Corporation) and Town Planning Officer Grade-II/Assistant Engineer (Planning) (Municipality) in Sl.No.7 and 8 of Table XII of the Notification.

For petitioner : Mr.V.Vijayshankar

For respondents 1 to 4 : Mr.V.Veluchamy
Additional Government Pleader



W.P.No.5887 of 2024

ORDER

WEB COPY

This writ petition has been filed for direction directing the respondents to receive the application of the petitioners for the post of Assistant Engineer (Planning) (Corporation) and Town Planning Officer Grade-II/Assistant Engineer (Planning) (Municipality) as per recruitment notification No.01/DMA/Recruitment/2024 dated 02.02.2024.

2. The petitioners are qualified with Masters Degree in Planning. Now it has been changed as Masters of Planning (M.Plan). It is a two year P.G. Degree course and it has been in the curriculum for several years in Tamilnadu. The Anna University and two other colleges offer this course and it is now called M.Plan. In order to join M.Plan, one must have passed the UG degree as mentioned as follows:

i) B.E. (Civil), ii) B.Arch, iii) B.Plan, iv) M.A/M.Sc., in the undermentioned subjects a) Geography b) Economics c) Sociology d) Social Work.



W.P.No.5887 of 2024

WEB COPY

3. However, the UG Degree in B Plan i.e., Bachelor of Planning Course was not the curriculum in several states, including Tamilnadu. The said course was introduced only in the year 2022. It is being a four years course, the first batch of students will come out only in the year 2026 to pass the degree of B Plan. As far as the petitioners are concerned, they are qualified with M Plan after completion of their U.G Degree from B.E.Civil/B.Arch/M.A/M.Sc., (Geography), (Economics), (Sociology) or (Social Work). The Tamilnadu Municipal Town Planning Service Rules 1970 in which amendment was brought in the year 1998. The Service consisting the following categories of officers.

"i) Senior Town Planning Officer ii) Town Planning Officer Grade-I, iii) Town Planning Officer Grade-III, iv) Town Planning Inspector, v) Town Planning Assistant Draughtsman."

4. The service rules for the post of Town Planning Officers Gr-II which is the entry level post for graduates has to be filled by direct recruitment from those possessing the following qualifications:



W.P.No.5887 of 2024

WEB COPY *Associate Member of Institute of Town Planners India (or)*

*B.Arch (or) B.E.Civil (or) Post Licentiate's Diploma in Town
and Country Planning or Master Degree in Town Planning
awarded by Anna University.*

5. Therefore, the qualifications of M-Plan is one of the prescribed qualification for appointment as Town Planning Officer Grade-II. Accordingly, the recruitments were periodically made by the Government of Tamilnadu to various municipalities and corporations. However, there was no recruitment for the past several years and as such there were a huge backlog of accumulated vacancies over the years. While being so, the Municipal Administration and Water Supply Department issued notification dated 02.02.2024 through the first respondent for recruitment to several categories of posts in the Government, Director of Municipal Administration, TWAD Board, CMWSSB etc., are as follows:

*i) Assistant Engineer (Civil/Mechanical), ii)
Assistant Engineer Electrical, iii) Assistant Engineer*



WEB COPY



W.P.No.5887 of 2024

*(Planning), iv) Town Planning Officer Grade-II and v)
Town Planning Inspector/Junior Engineer (Planning).*

6. Totally, 16 categories of posts have been called for to fill up about 1933 vacancies. In fact by way of addendum, the number of posts were increased from 1933 vacancies. So far as Town Planning source is concerned, the relevant posts are Sl.No.7,8 and 12 of the Notification i.e., Assistant Engineer (Planning) Corporation, Town Planning Officer Grade II/Assistant Engineer (Planning) and Town Planning Inspector/Junior Engineer (Planning). For the said post, the required educational qualification are Bachelor Degree in Planning/Civil Engineering/Architecture. Further provides that preference shall be given to those who possess Master's Degree in Planning. Insofar as the petitioners are concerned, though they possessed Master Degree in Planning, they are unable to apply for the posts as per educational qualification prescribed in the notification as stated supra. In the state of Tamilnadu the B-Plan Degree Course was introduced only in the year 2022 and the period of course is four years. It is seen from the G.O.Ms.No.156, Housing and Urban Development (UD3(2) Department) dated 23.08.2022 that in Tamilnadu, only three institutions are



W.P.No.5887 of 2024

offering Masters in Planning. There are no university/institutions offering Bachelor of Planning Degree. There are shortage of qualified Town Planners. It was decided to examine that Bachelor of Planning (B.Plan) courses to be commenced in some of the institutions in Tamilnadu and necessary steps to be taken by the Higher Education Department. B.Plan Courses will be commencing from the year 2022-2023 in Anna University. Accordingly, the course of B.Plan degree has been commenced only from the academic year 2022-2023 in Anna University. The students had joined in the B-Plan degree will come out only in the year 2026.

7. Therefore, the qualification prescribed in the notification to the above said post including degree in Planning is not proper since no one in Tamilnadu is eligible to apply for the said post with educational qualification of degree in Bachelor of Planning. In fact it is seen from the notification issued by the Tamilnadu Public Service Commission dated 25.02.2022 in notification No.4/2022 to the post of Assistant Director Town and Country Planning, the prescribed educational qualification as Post Graduate in Town or City or Urban or Housing or



W.P.No.5887 of 2024

Country or Rural or Infrastructure or Regional or Transport or Environmental Planning from a recognized University or Institute.

Therefore those who possess Master Degree in Master of Planning is qualified to apply to the post of Assistant Director of Town and Country Planning. It is a higher post than the Post of Assistant Engineer (Planning) Corporation.

8. On instruction, the learned counsel for the respondents submitted that as per notification, the minimum qualification prescribed to the post of Assistant Engineer (Planning) is Degree in Planning or Civil Engineering or Architecture or any other qualification considered equivalent thereto awarded by any recognized university or institutions; provided that preference shall be given to those who have completed Master in degree in Planning. That apart, duties and responsibilities for the Town Planning Officers/Town Planning Inspectors so far as they relate to the Tamilnadu District Municipalities Act, 1920. Therefore, they must possess degree in Planning or Civil Engineering or infrastructure. Though the petitioners possess master degree in M.Plan, they have completed their UG not in the



W.P.No.5887 of 2024

Civil Engineering or B.Plan. After completion of their M.A/M.Sc., in various subjects, they completed their master degree in M-Plan. Therefore, they are not recognized to apply for the post of Assistant Engineer (Planning).

9. As stated supra, the UG degree in B.Plan was introduced in the year 2022 and no one is qualified with degree of B.Plan to apply to the post of Assistant Engineer(Planning). Likewise, in order to pursue Master degree in M.Plan, the M.A/M.Sc. in the subjects of Geography, Economics, Sociology and Social work are eligible/qualified degrees to do Master degree in M.Plan. Therefore, the petitioners are fully qualified/eligible to apply to the post of Assistant Engineer (Planning).

10. In view of the above, the first respondent is directed to permit the petitioners as well as persons who had possessed master degree in M.Plan to apply to the post of Assistant Engineer(Planning) Corporation, Town Planning Officer Grade II/Assistant Engineer (Planning) in the Municipal Administration and Water Supply Department as per notification



W.P.No.5887 of 2024

No.01/DMA/Recruitment/2024 dated 02.02.2024.

WEB COPY

11. With the above direction, this writ petition is disposed of.

Consequently, connected miscellaneous petitions are closed. No costs.

07.03.2024
(1/2)

Index : Yes/No
Internet: Yes/No
gvn

Note:

Issue order copy on 11.03.2024



WEB COPY



W.P.No.5887 of 2024

To

1. The Secretary to Government of Tamilnadu,
Municipal Administration and Water Supply Department,
Fort St., George, Secretariat, Chennai-09.
2. The Commissioner,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.
3. The Director,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.
4. The Director,
Directorate of Town Panchayats,
7th and 8th Floor,
Urban Administrative Office Campus,
Chennai-600 028.
5. The Head of Department,
Department of Planning,
School of Architecture and Planning,



WEB COPY

Anna University,
Guindy, Chennai-600 25.



W.P.No.5887 of 2024

G.K.ILANTHIRAIYAN, J.

gvn

W.P.Nos.5887 of 2024

07.03.2024



WEB COPY



W.P.No.5887 of 2024

(1/2)