



W.P.No. 8474 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 01.08.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.8474 of 2015

K. Kalavathy

... Petitioner

Vs

1. The Additional Chief Secretary to the Government,
Transport Department & Chairman cum Managing Director,
Tamil Nadu Transport Development Finance Corporation Ltd.,
Fort St. George,
Chennai-600009
2. The Joint Managing Director, Tamil Nadu Transport
Development Finance Corporation Ltd,
No.2, Wallajah Road,
Chennai-600002
3. Mr. K.N.Gurunathan,
Assistant Manager,
Tamil Nadu Transport Development Finance Corporation Ltd,
No.2, Wallajah Road,
Chennai-600002
4. Tmt. V.Padmavathy,
Assistant Manager,
Tamil Nadu Transport Development Finance Corporation Ltd,
No.2, Wallajah Road, Chennai-600002 ... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent in No.13877/TDFC/A/2014 dated 7.2.2015 and quash the same and direct the Respondents 1 and 2 to promote the Petitioner as Assistant Manager with effect from 19.12.2014 and grant her all consequential benefits.

For Petitioner : P. Mohanraj

For Respondent 1 : Mr. V. Jeevagiridharan
Additional Government Pleader

For Respondent 2 : Mr. P. Kannan kumar

For Respondent 3 & 4 : Mr. B.K. Girish Neelakandan

ORDER

The above Writ Petition has been filed to issue a writ of certiorarified mandamus to call for the records relating to the impugned order of the second respondent in No.13877/TDFC/A/2014 dated 7.2.2015 and quash the same and direct the respondents 1 and 2



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to promote the Petitioner as Assistant Manager with effect from 19.12.2014 and grant her all consequential benefits.

2. It is the case of the petitioner that she was appointed as Typist in the Tamil Nadu Transport Development Finance Corporation (TNTDFC) on 31.03.1982 and promoted as Assistant on 06.04.1988. Thereafter, she had been promoted to the post of an Accountant on 31.12.2008. As per the service Rules of the Corporation, the following qualifications had been prescribed for recruitment to the post of Accountant.

*(i) Bachelor's degree in Commerce or equivalent
or Bachelor's Degree with a pass in Government
Technical Examination in Accountancy Higher
Grade.*

*(ii) Three years experience in accounts branch
in any Government Offices/ Public*



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Undertakings/Reputed Private Organizaion.

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3. By G.O.Ms.No.7277, Transport Department dated 21.12.1990, the Government had issued orders directing that, in respect of staff members who had joined the TNTDFC prior to the framing and adoption of service Rules, a one time exemption be granted with regard to the prescribed qualification. Therefore, based on the one time exemption, several Assistants who had not qualified by passing the Government Technical Examination in Accountancy Higher Grade were promoted as Accountants. The petitioner had passed SSLC, IRT Semester I and II in Accountancy and B.Com, but he had not passed the said accountancy test. Despite this, she had been promoted as Accountant on 31.12.2008.

4. It is her further case that a vacancy arose in the next higher post of Assistant Manager in the year 2012. As per the seniority list, the petitioner was the senior most candidate and had to be considered



for promotion. However, the post was kept vacant despite several requests by the petitioner for her promotion. Thereafter, she had retired from service on 31.12.2014 and after her retirement, the second respondent had issued an order dated 07.02.2015 promoting her next juniors, namely, K.N.Gurunathan and V.Padmavathy as Assistant Managers with effect from 19.12.2014. Therefore, aggrieved by the fact that her candidature has not been considered, the petitioner had sent a representation to the first respondent on 24.02.2015. However, there was no reply to the said representation and therefore, the petitioner has come forward with this Writ Petition.

5. The second respondent has filed a counter affidavit inter-alia contending that a Government Order had been issued in G.O.Ms.No.107, Personnel and Administrative Reforms (M) Department dated 18.08.2009 in and by which, it has been clearly stipulated that for all appointments and promotions in the Government undertaking, the candidate who possesses the minimum educational



qualification prescribed as 10th standard /plus two (higher secondary examination) with any degree has to be considered. The petitioner's name was not considered by the selection Committee as she had passed B.Com degree without pursuing the higher secondary course which is the stipulation in G.O.Ms.No.107.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. The petitioner's contention is that she was entitled to be considered for the post of Assistant Manager, as she was the senior most candidate. However, it is an admitted fact that the petitioner had not cleared her +2 examination, having completed only the 10th standard and the degree course through correspondence. In the light of the provisions of G.O.Ms.No.107, it is clear that for any Government appointments, the candidate should not only have passed the 10th standard, but also the +2 examination and thereafter the



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degree course. Only if they have qualified by passing 10+2+3 formula, can they be considered for promotion. This order has come into effect on 18.08.2009. The petitioner had not qualified for the appointment, post the above Government Order. Therefore, the qualification of a passing 2 being a requisite and since the petitioner has not possessed the same, she is not entitled to the relief as claimed. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

01.08.2024

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

- 1.The Additional Chief Secretary to the Government,
Transport Department & Chairman cum Managing Director,
Tamil Nadu Transport Development Finance Corporation Ltd.,
Fort St. George, Chennai-600009
- 2.The Joint Managing Director, Tamil Nadu Transport
Development Finance Corporation Ltd,

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Chennai-600002



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P.T.ASHA, J.,

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