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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.11833, 11867 & 11895 of 2021

and

W.M.P.Nos.12573, 12577, 12623, 12625, 12645 & 12646 of 2021

M.Sakthivel,
Skilled Assistant Grade II,
Junior Engineer (incharge)
Coimbatore Corporation,
Coimbatore.

...

Petitioner
[in W.P.No.11833 of 2021]

Jagadeeswari,
Skilled Assistant Grade II,
Coimbatore Corporation,
Coimbatore.

...

Petitioner
[in W.P.No.11867 of 2021]

J.Martin Maria Antony,
Skilled Assistant Grade II,
Coimbatore Corporation,
Coimbatore.

...

Petitioner
[in W.P.No.11895 of 2021]

versus

1.Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.



2.The Municipal Corporation Commissioner,
Municipal Administration and Water Supply Department,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.

3.The Commissioner,
Coimbatore Corporation,
Coimbatore.

4.K.Jainraj
Skilled Assistant Grade I,
Coimbatore Corporation,
Coimbatore.

5.G.Manikandan
Skilled Assistant Grade I,
Coimbatore Corporation,
Coimbatore.

6.Thiyakarajan,
Skilled Assistant Grade I,
Coimbatore Corporation,
Coimbatore.

7.P.Jothi Vinayagam
Skilled Assistant Grade II,
Coimbatore Corporation,
Coimbatore.

8.C.D.Srinivasan,
Skilled Assistant Grade II,
Coimbatore Corporation,
Coimbatore.

9.K.Saravanakumar
Skilled Assistant Grade II,
Coimbatore Corporation,
Coimbatore.



10.G.Kamalakkannan,
Skilled Assistant Grade II,
Coimbatore Corporation,
Coimbatore.

...

Respondents
[in all W.Ps]

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified Mandamus, calling for the records of the 3rd respondent Corporation Resolution No.357 dated 22.11.2019 and quash the same and consequently direct the 3rd respondent to prefer a fresh promotion list including the petitioners' name for the post of Assistant Engineer.

For Petitioner [in all W.Ps]	:	M/s.I.Bobby Partia for Mr.K.P.Satish Kumar
For Respondent Nos.1 & 2 [in all W.Ps]	:	Mr.K.H.Ravikumar Government Advocate
For Respondent No.3 [in all W.Ps]	:	Mr.K.Maghesh
For Respondent Nos.4 to 8&10 : [in all W.Ps]	:	No Appearance
For Respondent No. [in all W.Ps]	:	Tapal returned



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COMMON ORDER

Since the issue involved in these Writ Petitions is one and the same, these Writ Petitions were heard together and disposed by this common order.

2. Heard M/s.I.Bobby Partia, learned counsel for the petitioners and Mr.K.H.Ravikumar, learned Government Advocate for the respondents 1 and 2 and Mr.K.Maghesh, learned counsel for the third respondent and perused the materials available on record.

3. The petitioners have been appointed as Technical Assistants in the third respondent Corporation on daily wage basis. Based on the Government Order passed in G.O.No.79, Town Panchayat and Water Supply Department, dated 30.04.2001 and the Government Letter No.31455/Mun4/2013-17 dated 12.10.2015 and the third respondent Resolution No.357 dated 22.11.2019, the third respondent promoted the respondents 4 to 10, who are all working as Skilled Assistant Grade I and II



to the post of Assistant Engineers and left the petitioners' name without assigning any sufficient reasons.

4. M/s.I.Bobby Partia, learned counsel for the petitioners submitted that the prescribed qualification for the post of Assistant Engineers by way of promotion is a degree in Civil Engineering or Diploma in Civil Engineering.

5. Mr.K.Maghesh, learned counsel for the third respondent submitted that the qualification for the appointment to the post of Assistant Engineer is a degree in Engineering or Town Planning from a recognised University and a pass in the departmental test before the completion of probation.

6. The Tamil Nadu Municipal Corporation Service Rules, 1996 (G.O.(Ms)No.237 Municipal Administration and Water Supply (Election) Department dated 26.09.1996 prescribes the essential qualification for the direct recruitment of Assistant Engineer that the candidate must possess a



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degree in Engineering and he should have pass the departmental test conducted by the Corporation before completion of probation. The said Rule does not contemplate any promotion but only direct recruitment. There is no question of considering the petitioners for promotion. However, in-service candidates are also considered for the appointment to the post of Assistant Engineers along with the direct recruits in the ratio of 3:1.

7. Mr.K.Maghesh, learned counsel for the third respondent submitted that these petitioners do not have the prescribed minimum qualification and hence, they are not eligible to be considered for the appointment to the post of the Assistant Engineers through in-service promotion. The petitioner by name Sakthivel has got B.E. Degree, however his B.E. degree is not in Civil Branch but in some other Branch. The other candidates by names, Jagadeeswari and Martin Maria Antony do not have degree in Engineering and they are only Diploma holders.



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8. Since one of the basic requirement for the appointment to the post of Assistant Engineer is, Civil Engineering irrespective of whether the candidate comes through direct recruitment or from the cadre of Technical Assistant. The petitioners' cannot insist the respondents to promote them to the post of Assistant Engineers. However, they are all at liberty to acquire the necessary qualification as that of the other candidates, who have been appointed to the post of Assistant Engineers. The other candidates by names, Saravanakumar & Kamalakkanan have got B.E. degree and hence, they got themselves qualified to the appointment to the post of Assistant Engineers.

9. Since the claim of the petitioners is not well founded, I do not find any reason to consider the same. Hence, these Writ Petitions are dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

26.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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To
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R.N.MANJULA, J.

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