



W.A.No.1470 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No.1470 of 2024

and C.M.P.Nos.10467 and 10471 of 2024

Anandan

.. Appellant

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Education Department, Fort St. George,
Chennai 600 009.
2. The Joint Director of School Education,
College Road, DPI Campus,
Chennai 600 006.
3. The Chief Educational Officer,
Office of the Chief Educational Office,
Raja Street, Coimbatore 641 001.
4. The District Educational Officer (Primary),
Kuniyamuthur, Coimbatore.
5. The District Educational Officer,
Pollachi, Coimbatore.

.. Respondents



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Prayer: Appeal filed under Clause 15 of the Letters patent against the order dated 25.04.2024 passed in W.P.No.11218 of 2024 on the file of this Court.

For the Appellant : Mr.V.Sivakumar

For the Respondents : Mr.U.M.Ravichandran
Spl. Govt. Pleader

JUDGMENT

(Judgment of the Court was made by
the Hon'ble Acting Chief Justice)

Heard, Mr.V.Sivakumar, learned counsel for the appellant and Mr.U.M.Ravichandran, learned Special Government Pleader for the respondents.

2. The present writ appeal is directed against the interim order of the learned Single Judge dated 25.04.2024 passed in the writ petition.

3. The main grievance of the appellant/writ petitioner is that the learned Single Judge has not considered the fact that the appellant has



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been demoted from the post of driver to the post of Night Watchman which is against the Government Orders issued in G.O.Ms.No.86, dated 08.02.1996 and G.O.Ms.No.60, dated 06.03.2007. He would submit that vide the said Government Orders, it has been ordered that any driver who is declared medically unfit to continue in the said post must be provided with an alternative employment in posts like helpers or office assistants depending upon his qualification by retaining the same pay scale and the retirement age of the driver who is declared medically unfit shall be 58 years.

4. The learned counsel for the appellant taking us to the averments in the affidavit filed in support of the writ petition would submit that the appellant joined the service as Night Watchman at the Government Higher Secondary School, Pallapalayam, Coimbatore on 23.11.2012 and he was promoted to the post of driver on 29.02.2016. The appellant went through certain diabetic-related ailments and due to his ill-health condition, he was declared to be unfit to the post of driver by the medical board. Therefore, on his representation and based on the report of the medical board, the third respondent has



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passed an order dated 31.07.2023 wherein it has been stated that based on the medical report, the employee is demoted from the post of driver to the post of Night Watchman, which he was previously holding. According to the learned counsel for the appellant, the order of the third respondent is not in consonance with the Government Orders referred above, as there is a reduction in the rank as well as in the pay scale and the said order of the third respondent is under challenge in the writ petition.

5. We find some substance in the submission of the learned counsel for the appellant. As rightly pointed out by the learned counsel, the third respondent has clearly stated that the appellant is demoted to the post of Night Watchman. That being the factum of the case, the learned Single Judge has equated the post of Night Watchman with that of helpers or office assistants, which is not so.

6. In view of the above, paragraph 2 of the order of the learned Single Judge, more particularly the observation to the effect that the alternative employment as Night Watchman is also in the same cadre



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as that of Office Assistant or Helper, is alone hereby set aside. The learned Single Judge is requested to consider the said aspect afresh and pass further orders on the said issue and also with regard to the emoluments, as already observed by the learned Single Judge in the impugned order.

The writ appeal is, accordingly, disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(R.M.D., ACJ.) (M.S.Q., J.)
04.07.2024

Index : Yes/No
NC : Yes/No

sra
To

1. The Secretary to Government of Tamil Nadu,
Education Department, Fort St. George,
Chennai 600 009.
2. The Joint Director of School Education,
College Road, DPI Campus,
Chennai 600 006.
3. The Chief Educational Officer,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

(sra)

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