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W.P.No.39450 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.39450 of 2016

G.Raghuraman

... Petitioner

Vs.

1.State rep.by

The Secretary

Higher Education (2) Department

Secretariat

Fort St., George, Chennai – 600 009.

2.The Commissioner of Technical Educational

Directorate of Technical Education (Engineering)

Guindy, Chennai – 600 025.

3.The Principal

Government Engineering College

Salem – 11.

....Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to promote the petitioner as Lab Assistant with effect from 15.10.2007 with all monetary benefits by considering his representations dated 30.06.2008 and 19.09.2016.

For Petitioner

: Mr.M.Elango

For Respondents

: Mr.M.S.Prem Kumar

Government Advocate.



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### **ORDER**

This writ petition has been filed seeking mandamus to promote the petitioner as Lab Assistant with effect from 15.10.2007 with all monetary benefits by considering the petitioner's representations dated 30.06.2008 and 19.09.2016.

2. It is submitted by the learned counsel for the petitioner through video conferencing that the petitioner was appointed as Casual laborer in the 2<sup>nd</sup> respondents office and joined the post of Watchman in the Institute of Printing Technology, Chennai on 01.10.1996, on the basis of orders of the Administrative Tribunal. He was transferred to 3<sup>rd</sup> respondent Institute, Salem. As per the G.O.Ms.No.2100, Education, dated 18.09.1981, the petitioner, who has been working as Watchman, is eligible to be promoted as Lab Assistant, in case, if he has two years of experience as Watchman in the laboratory. It is submitted that one N.Subramaniam, who is junior to the petitioner, was working as Watchman and was promoted as Lab Assistant. Thereby, the petitioner sought for direction to promote him as Lab Assistant by considering his representations.



3. The counter has been filed by the 3<sup>rd</sup> respondent. The learned Additional Government Pleader representing the respondents would submit that the G.O.Ms.No.2100 was in force until 06.07.2009, when G.O.Ms.No.220, Higher Education (B1) Department, dated 06.07.2009 was issued. One Subramaniam who was working as Watchman in the same laboratory was senior to the petitioner by 2 years as he joined as Watchman on 17.08.1994 and the said Subramaniam was promoted as Lab Assistant.

4. As per the G.O.Ms.No.220 dated 06.07.2009 in order to promote a person to the post of Lab Assistant one must have a basic qualification of a certificate by Industrial Training Institute or any said certificate equivalent to that, thereby the petitioner who has studied only upto 8th std cannot be considered.

5. It is submitted that the representation dated 30.06.2008 has not been received by the respondents whereas the representation dated 19.09.2016 was received by the respondents, however, as on that date since new G.O. i.e., G.O.Ms.No.220 dated 06.07.2009 has come into force, thereby the petitioner was not provided with promotion as Lab Assistant from



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Watchman.

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6. At this stage, the learned counsel for the petitioner submitted that the respondents have failed to reply to the representations dated 30.06.2008 and 19.09.2016 filed by the petitioner and thereby sought for a direction to the respondents to consider the representations of the petitioner.

7. In view of the submissions made on either side and on perusal of the records, this writ petition is disposed of directing the respondents to consider the representation dated 30.06.2008 if it is available, and the representation dated 19.09.2016 and to pass speaking orders on the said representations and communicate the orders to the petitioner as quickly as possible, not later than 6 weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is disposed of.

**01.02.2024**



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Index : Yes/No  
Speaking Order : Yes/No  
dpa

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**DR. D.NAGARJUN,J.**

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