



W.P.No.19149 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.19149 of 2023
and WMP.No.18398 of 2023

L.Veerapathiran

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep. By its Additional Chief Secretary,
Transport Department,
Fort St.George,
Chennai 600 009
- 2.The Managing Director,
Tamilnadu State Transport Corporation Limited,
Villupuram

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari calling for the records of the impugned letter No.e.file 2816/C2/2023-1 dated 08.06.2023 issued by the first respondent to the second respondent and to quash the same.

For Petitioner : Mr.K.Sukumaran

For Respondents

For R1 : Mr.K.Tamilvendan,
Government Advocate

For R2 : Mr.M.Ashwin,
Standing Counsel



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ORDER

This writ petition has been filed challenging the order of the first respondent dated 08.06.2023 thereby cancelled the order of promotion of the petitioner to the post of Superintendent.

2. The petitioner had studied 10th std and +2. On the said qualification, he was appointed as Junior Clerk on daily wages in the second respondent Corporation. After completion of his 240 days as Junior Clerk, he was absorbed into monthly cadre in the scale of Rs.760-15-880-20-1000 plus other allowances. Thereafter, he obtained proper permission from the second respondent to pursue his master degree in M.A.Sociology in Annamalai University through correspondence. He successfully completed the degree in the month of December 1997. Thereafter, he was appointed as Junior Assistant as a fresh entry forgoing his earlier six years of service seniority and other benefits by an order dated 01.12.1998. Thereafter, he had also passed Non Executive Examination in the subject of Personal Administration and Accounts on 05.05.1999. Thereafter he was promoted to the post of Assistant and



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Senior Assistant. The second respondent published the seniority list for promotion to the post of Superintendent and called for objections. No one raised objections and the petitioner was called for personal interview by the second respondent. Thereafter, he was promoted to the post of Superintendent on 08.01.2021. Now he is working as Superintendent for the past three years. In fact, after completion of two years in the post of Superintendent, he deemed to have been completed the probationary period. All of sudden, the first respondent passed order dated 08.06.2023 thereby cancelled the promotion of the petitioner to the post of Superintendent by mentioning the GO.Ms.No.107 Personnel and Administrative Reforms Department dated 18.08.2009.

3. Heard, the learned counsel appearing on either side.

4. On perusal of the counter filed by the respondents and the submissions submitted by the learned counsel appearing on either side, revealed that though the petitioner completed 10th std and +2, he has completed the degree in Open University which is not permissible as per



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GO.Ms.No.107 dated 18.08.2009. On perusal of GO.Ms.No.107 dated 18.08.2009, it is the suggestion of the Managing Director of the Corporation that those who had not passed 10th, +2 and directly obtained degree in the Open University, are not eligible to be promoted to any post. Therefore, considering the suggestion, the Government by GO.Ms.No.107 Personnel and Administrative Reforms Department dated 18.08.2009 ordered that those who had passed 10th std, +2 and underwent degree in the open university, are only eligible to be promoted for promotional post.

5. Insofar as the petitioner is concerned, admittedly the petitioner passed his 10th std, +2 and on the said qualification, the petitioner was selected to the post of Junior Clerk. Subsequently, he was appointed as Junior Assistant as a fresh entrant forgoing his earlier six years of service, seniority and other benefits by an order dated 01.12.1998. Therefore, the petitioner was rightly promoted to the subsequent post as Assistant, Senior Assistant and finally he was promoted to the post of Superintendent by an order dated 08.01.2021.



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Therefore, this Court finds no infirmity or illegality in the order of promotion of the petitioner to the post of Superintendent. In fact, as per the above Government order, the petitioner is fully qualified for promotion to the post of Superintendent. Hence, the impugned order cannot be sustained and the same is liable to be quashed.

6. Accordingly, the impugned order dated 08.06.2023 is quashed and this writ petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

22.03.2024
($\frac{1}{2}$)

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. Additional Chief Secretary,
The Government of Tamilnadu,
Transport Department,
Fort St. George,
Chennai 600 009
2. The Managing Director,
Tamilnadu State Transport Corporation Limited,
Villupuram

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