



W.P.No.23936 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.No.23936 of 2024

B.Ramesh

... Petitioner

-Vs-

1.The Commissioner
Office of the Commissioner
Government Stationary and Printing
Anna Salai , Chennai 600 001.

2.The Assistant Director (Finance)
Government Central Press
Mint Street
Chennai 600 001.

3.The Work Manager
Government Printing Press
Mint Street, Salai
Chennai 600 001.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to quash the order passed by the 2nd respondent in No.F1/7596/2024 dated 22.05.2024 and direct the 2nd respondent to grant the permission DTP regular course as per the representation of the petitioner dated 13.5.2024.



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For Petitioner : Mr.S.Shankar

For Respondents : Mr.P.Balathanduyutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 22.05.2024 and for a consequential direction to the 2nd respondent to grant permission to the petitioner to undergo regular course in Diploma in printing Technology.

2.The case of the petitioner is that he was appointed as a time keeper in the year 2018 under the 3rd respondent on compassionate ground. The petitioner is a differently abled person with 50% disability. He has also completed M.B.A. Graduation in the year 2022.

3.The further case of the petitioner is that there is scope for promotion only if the petitioner completes diploma in printing technology. Such course is offered only as a full time course. Therefore, the petitioner made a representation to the 2nd respondent seeking for permission to undergo the course. The 2nd respondent through proceedings dated 22.05.2024, rejected the claim made by the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.



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4. When the matter was taken up for hearing on 23.08.2024, this Court passed the following order:

Pursuant to the earlier order passed on 21.08.2024, the learned counsel for the petitioner produced a copy of G.O.Ms.No. 200, Personnel and Administrative Reforms (A) Department, dated 19.04.1996. On going through this Government Order, it is seen that a staff member is permitted to join correspondence course/evening college with the permission of the Head of Department.

2. In the instant case, the petitioner wants to undergo DTP regular course. This request made by the petitioner was rejected by the 2nd respondent, by quoting the above Government Order.

3. The learned Special Government Pleader appearing for the respondents seeks time.

4. Post this case under the caption “for orders” on 05.09.2024. In the meantime, the learned counsel for the petitioner and the learned Special Government Pleader shall apprise this Court on the scope of this Government Order. On hearing either side, final orders will be passed in this writ petition.

5. When the matter was taken up for hearing today, the learned Special Government Pleader produced the relevant Press Office Manual. By pointing out to the same, the learned Special Government Pleader submitted that the job of a time



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keeper is a 24 hour job which is operated in three shifts. The first shift is from 5.45 a.m. to 2.15 p.m, the second shift is from 1.45 p.m., to 10.15 p.m, and the third shift is from 9.45 p.m., to 6.15 a.m. The learned Special Government Pleader on instructions submitted that the time keepers are rotated from one shift to another shift every week.

6.The learned Special Government Pleader further submitted that considering the nature of work of the petitioner, the petitioner cannot be permitted to undergo a full time course and if the same is done, everyone else will start claiming for such a right.

7.The petitioner is desperate to undergo the diploma in printing technology since that opens up an avenue for the petitioner to claim for further promotion. However, such aspiration must fall within the four corners of law. Ultimately, if an employee wants to undergo a course, he can do so only after getting permission from the employer.

8.In the instant case, as per the relevant Government Order, a staff will be permitted to either join in a correspondence course or evening college with the permission of the head of the Department. In the case in hand, even joining the evening college may be an issue since it involves working in three shifts.



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9.The petitioner states that he will work in the night shifts for the coming three years and hence he can be permitted to undergo the regular course during day time.

10.The above request made by the petitioner cannot be conceded since the nature of the work of the petitioner is such that he has to work in shifts. There are totally 14 persons who are working as time keepers. They have to be retained in respective shift once in a week. If the petitioner is given concession for working in night shifts continuously for three years, the other persons will start raising an issue and it will become a problem for the 3rd respondent to handle it.

11.In any event, when the petitioner is seeking for the issuance of a writ of mandamus, the petitioner has to necessarily show a legal right. The Court cannot pass directions only based on sympathy. This Court appreciates the aspiration of the petitioner. However, such aspiration cannot be fulfilled without the backing of law.

12.In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court. It is left open to the petitioner to see if the diploma can be undergone in any other mode without unduly interfering with the work. The impugned order has been passed by the 2nd respondent by mainly relying upon the Government Order. Therefore, the impugned order is only a consequence of the Government Order. The petitioner must only look for some other avenue in



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order to undergo the course and it will not be possible to permit the petitioner to undergo a full time course without getting the nod from the employer. Accordingly, this Court is not inclined to interfere with the proceedings of the 2nd respondent dated 22.05.2024.

13.This writ petition is disposed of in the above terms. No costs.

05.09.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order : Yes /No
KP



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N.ANAND VENKATESH. J.,
KP

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