



W.P.No.30610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.30610 of 2024

K.Muthusamy

... Petitioner

-VS-

1.The Managing Director,
Tamilnadu State Transport Corporation,
Salem Division,
Salem.

2.The General Manager,
Tamilnadu State Transport Corporation,
Salem Division,
Salem.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to register the petitioner's Degree of Diploma in Knitting Technology in the petitioner's service book without no objection certificate and consider the petitioner's representation on 20.04.2022 and 09.09.2024 within the stipulated time may be fixed by this Hon'ble Court.



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For Petitioner : Mr.Jadasakthivel

For Respondents : Mr.K.Raja, Standing Counsel

ORDER

This petition is filed seeking to issue a Writ of Mandamus, directing the respondents to register the petitioner's Degree of Diploma in Knitting Technology in the petitioner service book without no objection certificate and consider the representation on 20.04.2022 and 09.09.2024 within the stipulated time may be fixed by this Hon'ble Court.

2. The facts of the case is that the petitioner worked as a daily wage driver in the second respondent's office and the petitioner's services regularized from 01.06.2008 onwards by the order No.E5/125/Taphoha (Salem)/2008 dated 08.07.2008. The grievance of the petitioner is that he had completed the diploma degree before joining the job, but had arrears in few papers and he completed his arrears on October 2019.



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Then he made a representation on 20.04.2022 to register his Diploma Course in the petitioner's service book. The General Manager on the date of 04.05.2022 informed that registration can be done if copy of the clearance certificate is produced. The contention of the petitioner is that he has completed the Diploma Course before joining the job so there is no need to get the proof of No Objection Certificate from the department. Since he wrote only arrears exam in the year October 2019. Then the petitioner gave representation on 20.04.2022 and 09.09.2024 the same was not considered. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioner obtained Diploma in Knitting Technology. He further submitted that when earlier the petitioner requested the first respondent to issue the genuineness of his certificate. Hence prays to allow this petition.

4. The learned counsel appearing for the respondents would submit that the petitioner had represented the Corporation on 20.04.2022, to register his additional education qualification of "Diploma in Knitting



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Technology” in his service record book. This corporation has informed the petitioner vide letter No.E3/3712/TNSTC(Salem)/2022, dated 04.05.2022, to apply for the same, to register the additional qualification in the service record along with a copy of the No objection Certificate issued by this Corporation to undergo higher studies during the service period. The petitioner had submitted a representation on 18.06.2024 and 09.09.2024 stating that one person Mr.B.Kesavan as Assistant Engineer, who had completed the course Diploma in Knitting Technology. On par with, Mr.B.Kesavan, petitioner's additional qualification is also to be registered in petitioner's service record book. This Corporation has given appropriate reply to the petitioner vide Letter No.3712/E8/TNSTC(Salem)/2024, dated 01.10.2024 wherein it is clearly indicated that the petitioner's was appointed as a daily wage driver on 03.08.2007 and his educational qualification in SSLC alone and has not provided any information about his Diploma Courses and its arrears. After 13 years of appointment now the petitioner has to get necessary prior permission to undergo further higher studies as per the G.O.Ms.No.328, Personnel and Administrative Reforms (Per-A) Department, dated 09.04.1983. The petitioner had not adhered the



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Government orders in respect of his further higher studies and hence, this Corporation has rejected his representation.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records it is seen that the Corporation has given appointment to Mr.B.Kesavan as Junior Engineer Trainee in this Corporation, based on his education qualification of Diploma in Mechanical and Rural Technology and this Diploma course was recognized as equivalent to the Diploma in Mechanical Engineering awarded by the State Board of Technical Education and Training, Tamilnadu vide proceedings No.D.Dis.87862/J4/80, dated 28.01.1981 issued by the Office of the Director of Technical Education, Madras and this proceedings was recognized by the Ministry of Education and culture, Government of India vide office Memorandum, dated 27.11.1981.

7. It is seen from the records that this Corporation is mainly dealt with Automobile, Civil, Mechanical and Electrical Engineering oriented



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works. The petitioner's representation of Diploma in Knitting Technology course seems as irrelevant to works dealing in Transport Department. As per the common service rules provisions, eligible courses for the Junior Engineer post is Diploma in Automobile, Civil Mechanical and Electrical Engineering, so, the petitioner's request to registering his Diploma Certificate in his Service Record Book is not acceptable and rejected.

8. If at all as per the said G.O.Ms.No.328, Personnel and Administrative Reforms (Per-A) Department obtaining prior submission from the head of the Department for requiring additional educational qualification after joining the said post. Here it is the case of the petitioner as completed his course in 19.06.1999 but kept arrears and the same has not mentioned, during his appointment. Now in the year 2020, he comes up the application to add his Diploma in Knitting Technology in his Service Register. After 13 years seeking for adding that in his Service Register is not acceptable, it is of no use as his position is driver, this prayer cannot be accepted.



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9. With the above observations, this writ petition is dismissed. No order as to costs.

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Index: Yes/No
Speaking order/Non-speaking order
rna

To

1. The Managing Director,
Tamilnadu State Transport Corporation,
Salem Division, Salem.
2. The General Manager,
Tamilnadu State Transport Corporation,
Salem Division, Salem.



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V.BHAVANI SUBBAROYAN,J.

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