



W.P.(MD)No.8299 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.8299 of 2021

K.M.Jainudeen

: Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
New Railway Feeder Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Maruthupathi,
Karaikudi.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records in Tha.A.Po.Ka./Karai/Pa.Pi/Pa1/225-2/2018 dated 09.07.2020, quash the same and consequently direct the respondents to designate the petitioner as non-ITI Helper or Junior Engineer with



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effect from the date of appointment on 15.06.2015 and regularize the petitioners wages accordingly.

For Petitioner : Mr.K.S.Muthu

For Respondents : Mr.P.Balasubramanian

Standing Counsel

ORDER

The petitioner has challenged the impugned order dated 09.07.2020, passed by the respondents rejecting the petitioner's request for promotion based on his additional qualification.

2.The petitioner was appointed by the respondent Transport Corporation through compassionate appointment pursuant to the death of his father who was an employee of the respondent Transport Corporation. The petitioner registered his name in the respondent Corporation for compassionate appointment pursuant to the death of his father in the year 2010. Subsequent to the registration of his name with the respondent Transport Corporation, seeking for compassionate appointment, the petitioner, in the year 2011 obtained Conductor license and acquired additional qualification. The additional qualification of the petitioner was considered and thereafter in the year 2015, the petitioner was appointed as Conductor in the respondent Transport Corporation after he was subjected to an interview on 11.05.2015.



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3.The petitioner claims that since he has acquired higher educational qualification by way of Diploma in Mechanical Engineering in the year 2015 and he has completed the course in the year 2015 itself, the respondent ought to have considered the same and appointed him as Junior Engineer instead of Conductor.

4.Learned Standing Counsel for the Corporation would submit that only based on the petitioner's educational qualification as disclosed in the application and his additional qualification in the year 2011 obtaining Conductor License and also based on the interview conducted on 11.05.2015, the respondent Corporation has appointed the petitioner as Conductor in the respondent Transport Corporation.

5.According to the learned Standing Counsel for the respondent, since the petitioner has acquired additional qualification of Diploma in Mechanical Engineering only subsequently, on 11.05.2015, the question of appointing the petitioner as Junior Engineer in the respondent Transport Corporation does not arise. He would also submit that 12(3) settlement relied upon by the petitioner does not apply to the case of the petitioner, since the said 12(3) settlement pertains to non-ITI Helper / non-ITI Cleaner only.



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Whereas the petitioner at the time of submission of his application seeking for compassionate appointment was possessing only Class 10 qualification and did not acquire requisite qualification for non-ITI Helper / non-ITI Cleaner and hence, he is not entitled to be appointed as Junior Engineer in the respondent Transport Corporation.

6.It is an undisputed fact that on the date of the interview conducted by the respondent Transport Corporation on 11.05.2015, in respect of the petitioner's appointment, the petitioner was not having the additional educational qualification of Diploma in Mechanical Engineering. He got the same only on 01.06.2015 ie., after the date of the interview. Even assuming the petitioner is entitled for being appointed as Junior Engineer based upon his additional qualification of Diploma in Mechanical Engineer, he ought to have possessed the same prior to the date of the interview ie., on 11.05.2015. Having not possessed the Diploma in mechanical Engineering on or before 11.05.2015, the question of entertaining this Writ Petition does not arise. The respondents have also raised various contentions disputing the entitlement of the petitioner as pleaded in this Writ Petition. They have categorically held that since the petitioner was appointed on compassionate ground and he himself has disclosed at the time of submitting his application



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seeking for appointment on compassionate ground in the year 2010 that he was possessing only Standard 10 qualification, he is not entitled for being appointed as Junior Engineer. Though this Court is not going into the merits of the said contention but only on the ground that the petitioner was not possessing the higher educational qualification namely Diploma in Mechanical Engineering as on the date of the interview ie., on 11.05.2015, this Court is not entertaining this Writ Petition.

7.For the foregoing reasons, there is no merit in this Writ Petition and this Writ Petition is dismissed. However, liberty is granted to the petitioner to give representation to the petitioner in the near future based upon his higher educational qualification seeking for being appointed to a higher post in the respondent Corporation and once such a representation is submitted, the respondents are directed to consider the same on merits and in accordance with law as and when there are vacancies in the post sought for by the petitioner.



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8.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

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