



W.P.(MD) No.15496 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.15496 of 2021

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... Petitioner

Vs.

1.The Secretary,
The State Government of Tamil Nadu,
Adi Dravidar & Tribal Welfare Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai.

3.The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the Respondent No.1 to consider for amendment of Rule 6 of the Tamil Nadu Adi - Dravidar Welfare Subordinate Service Rules on par with the Special Rules for the Tamil Nadu Higher



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Secondary Education Service by the considering the Petitioner's representation dated 14.08.2021 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The petitioner herein, on an earlier occasion, approached this Court by filing W.P.(MD) No.19870 of 2017 questioning the validity of Rule 6 of the Tamil Nadu Adi – Dravidar Welfare Subordinate Service Rules on the ground that B.Lit., qualification is recognised as valid for holders of the post of Teachers. But the same was not recognised as valid qualification for Tutor-cum-Warden and therefore, the same rule is arbitrary and violative of Articles 14 and 16 of the Constitution of India. A learned Division Bench of this Court, having observed that it is unnecessary for the petitioner to challenge the said Rule and instead he can approach the State Government seeking amendment of the Rule itself, disposed of the said writ petition with the observations as noted above and left it open to the petitioner to take steps



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or any other decision that may be possible in the matter. Thereafter, the petitioner claims to have submitted various representations before Respondent No.1 including the representation dated 14.08.2021 requesting for treating Tutors-cum-Wardens on par with Teachers for the purpose of Rule 6 of the Tamil Nadu Adi – Dravidar Welfare Subordinate Service Rules. The relevant paragraph from the said representation submitted by the petitioner reads as under:

“Therefore kindly take steps and amend Rule 6 of the Tamil Nadu Adi – Dravidar Welfare Subordinate Service Rules recognising the B.Lit., Degree for the post of Tutor cum Warden on par with the Special Rules for the Tamil Nadu Higher Secondary Education Service which recognises the B.Lit., degree without B.Ed., degree for the equivalent posts of B.T.Assistant/Middle School Head Master in the School Education Department.”

2. However, according to the learned counsel for the petitioner, the said representation is still pending with Respondent No.1 and no action has been initiated so far. Hence, the petitioner approached this Court by filing the present writ petition seeking a Writ of Mandamus to direct Respondent



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No.1 to consider for amending Rule 6 of the Tamil Nadu Adi – Dravidar Welfare Subordinate Service Rules on par with Special Rules for the Tamil Nadu Higher Secondary Education Service by considering the representation dated 14.08.2021.

3. No counter affidavit is filed by the respondents.

4. Be that as it may, since the request of the petitioner is only for considering the representation submitted by him in terms of the observations made by the learned Division Bench as noted above and for considering the claim of the petitioner for amendment of Rule 6 of the Tamil Nadu Adi – Dravidar Welfare Subordinate Service Rules, this Court is of the considered view that it is not necessary to keep the matter pending awaiting for counter to be filed by the respondents.

5. However, considering the lapse of three years since the date of submission of the representation by the petitioner, this Court is of the considered view that it would be appropriate if the petitioner is granted



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liberty to submit a fresh representation before Respondents No.1 and 2 and further directing Respondents No.1 and 2 to consider the said representation and to pass appropriate orders thereon.

6. Accordingly, this Writ Petition is disposed of permitting the petitioner to submit a fresh representation before Respondents No.1 and 2 within a period of four weeks from the date of receipt of a copy of this order and on submission of such representation, Respondent No.2 shall consider the same and submit appropriate recommendation to Respondent No.1 and Respondent No.1 shall take a decision in the matter as expeditiously as possible, at any rate, within a period of eight weeks from the date of the proposal submitted by Respondent No.2. No costs.

20.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR



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MUMMINENI SUDHEER KUMAR, J.

ABR

To

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- 2.The Director,
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