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**W.P.(MD) No.16572 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.09.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.(MD) No.16572 of 2022**

**and**

**W.M.P.(MD) Nos.11989, 11991 & 11995 of 2022**

R.Ram Mohan

... Petitioner

-vs-

- 1.The Government of Tamil Nadu  
rep.by its Additional Chief Secretary  
to Government  
Rural Development &  
Panchayat Raj Department  
Fort St.George, Chennai-600 009
- 2.The Commissioner of Rural  
Development & Panchayat Raj  
Panagal Building  
Saidapet, Chennai-600 015
- 3.The District Collector  
Tirunelveli District  
Tirunelveli
- 4.S.Indhiragandhi
- 5.P.Ramilaparimalam



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6.R.Sankaranarayanan

7.I.Sheik Mohammed Kasim

8.M.S.Selvam

9.M.Remam

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to Rule 4(4) of G.O.Ms.No.202, Rural Development and Panchayat Raj (E3) Department, dated 01.12.2020 issued by the first respondent and quash the same insofar as it relates to the petitioner by seeking to do away with qualification of Diploma in Civil Engineering for promotion to the post of Overseer from the feeder category of Road Inspector as well as the consequential seniority list dated 07.07.2021 in Na.Ka.Gna2/6628/2021 issued by the third respondent and the subsequent order issued by the third respondent dated 30.11.2021 in Na.Ka.Gna.2/24270/2021-1 and further directing the third respondent to promote the petitioner as Overseer notionally from the year 2016 and to pay all the consequential monetary benefits and further to include the petitioner's name in the seniority list of Assistant Engineers, Rural Development and Panchayat Raj Department, Tirunelveli District.



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For Petitioner : Mr.M.P.Senthil

For Respondents : Ms.D.Farjana Ghoushia  
Special Government Pleader for R1 to R3  
No appearance for R4 to R10

### **ORDER**

This writ petition has been filed challenging G.O.Ms.No.202, Rural Development and Panchayat Raj (E3) Department, dated 01.12.2020, issued by the first respondent.

**2.** The aforesaid Government Order was also the subject matter of consideration by the Honourable Division Bench of this Court in W.P.Nos. 20247 of 2020 and 977 of 2021. By order dated 25.08.2021, the Division Bench of this Court dismissed the said writ petitions by holding that when the State being the employer, it is imperative that the State obtain the best quality of talent available. The Division Bench has held further that while the State has a responsibility to ensure that citizens have employment opportunities, the State cannot opt for less qualified employees when better qualified employees are willing to do the same job. The very same contentions that were raised by the respective petitioners in W.P.Nos.20247 of 2020 and 977 of



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2021 have also been raised by the petitioner herein and the very same Government Order is challenged.

**3.** In view of the decision rendered by the Honourable Division Bench of this Court, referred to supra, the prayer sought for in this writ petition does not deserve any merit.

**4.** Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**10.09.2024**

(1/2)

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

krk

To:

1. The Additional Chief Secretary to Government,  
Rural Development &  
Panchayat Raj Department,  
Government of Tamil Nadu,  
Fort St. George, Chennai-600 009.



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- 2.The Commissioner of Rural  
Development & Panchayat Raj,  
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- 3.The District Collector,  
Tirunelveli District,  
Tirunelveli.



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**ABDUL QUDDHOSE, J.**

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**of 2022**

**10.09.2024**

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