



W.P.(MD)No.22307 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.22307 of 2023 &
W.M.P.(MD)Nos.18588 & 18589 of 2023

P.Muthupandian

... Petitioner

Vs.

1. The Principal Secretary to Government,
Backward Classes Welfare Department,
Secretariat, Chennai.

2. The Commissioner of Backward Classes Welfare Department,
Chepakkam, Chennai.

3. The Joint Director,
Kallar Reclamation,
Madurai-20.

4. P.Arivalagan

5. P.Veerarajan

6. J.Vairamuthu

7. R.Vinoj

8. C.Senthilraja

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records



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relating to the impugned proceedings of the 2nd respondent in Proc.No.A5/6602/2020-I dated 03.07.2023 and quash the same in so far as the respondents 4 to 8 are concerned and consequently direct the respondents 1 to 3 to promote the petitioner as Junior Assistant as per G.O.Ms.No.40, Backward Classes, Most Backward Classes and Minorities Welfare Department dated 27.06.2011 with retrospective effect.

For Petitioner :Mr.R.Gowrishankar

For Respondents :Mr.J.Ashok
Additional Government Pleader
for R1 to R3

ORDER

Heard Mr.R.Gowrishankar, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 3.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus to quash the impugned proceedings of the 2nd respondent in Proc.No.A5/6602/2020-I dated 03.07.2023 in so far

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as the respondents 4 to 8 are concerned and consequently direct the respondents 1 to 3 to promote the petitioner as Junior Assistant as per G.O.Ms.No.40, Backward Classes, Most Backward Classes and Minorities Welfare Department dated 27.06.2011 with retrospective effect.

3. The learned counsel for the petitioner submitted that in pursuant to the Government Order in G.O.Ms.No.40, Backward Classes, Most Backward Classes and Minorities Welfare Department dated 27.06.2011, the qualified Cooks, Watchman and Office Assistants, who are working in the Hostels and Offices which come under the administration of the Backward and Most Backward Welfare Department be accommodated in the post of Junior Assistant in the Kallar Reclamation Branch. Even before the issuance of the above G.O.Ms.No. 40 dated 27.06.2011, the Government Order in G.O.Ms.No.5, Backward Classes, Most Backward Classes and Minorities Welfare Department dated 26.02.2007 has been issued for accommodating those persons who are working as Cook and Watchman in the Kallar Reclamation Hostels to



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be considered for the appointment to the post of Junior Assistant. So, the minimum qualification is 5 years completion of the services of the respective candidates in the said post and the ratio between the direct recruitment and the persons filled up from the Cooks and Watchman working in Kallar Reclamation Hostels would be 80:20. Now the petitioner is aggrieved in view of the promotion order issued on 03.07.2023 wherein the names of the Record Clerk have also been included and hence, his promotional opportunity is affected. The names of those persons have been considered for promotion in view of the above Government Orders.

4. In fact, the Government Order also makes a reference about Rule 3 (g) of the Tamilnadu Ministerial Service Rules, which would approve the promotion from Record Clerk to the post of Junior Assistant. Since the Record Clerk has also been included as a lower category service along with the Office Assistant, Cooks/Servant cum Watchman/Servant cum Watchmaid in view of the CBC proceedings No.A5/6602/2020 dated 09.06.2023 and 23.03.2023, those persons have also been considered for



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promotion.

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5. The petitioner without challenging the above said proceedings which includes the post of Record Clerk as a lower category post, has challenged their promotion by filing this writ petition.

6. Therefore, the petitioner will get his promotion when his duty turn comes based upon his seniority. So, when the turn of the petitioner reaches, the respondent shall consider his promotion to the post of Junior Assistant.

7. With the above observation, this writ petition is **disposed of**.
No Costs. Consequently, connected miscellaneous petitions are closed.

09.07.2024

NCC: Yes/No
Index : Yes/No
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R.N.MANJULA, J.

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