



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:24.11.2025

Coram

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

W.P.No.16181 of 2016

S.Panneerselvam,
S/o M.Srinivasan,
20, Kanthali Amman Koil Street,
Kattankulathur,
Chengalpattu (Taluk),
Kancheepuram 603 203.

.. Petitioner

/versus/

The General Manager,
State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai 600 002.

.. Respondent

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondent to re-designate the petitioner as Junior Assistant from October 1995, as the petitioner acquired degree in the month of October 1995, as per Rule 59(b) and (c) of the common service Rule by applying the ratio laid down by this Hon'ble High Court in W.P.(MD)Nos.11076 and 11476 of 2014 and 4479 of 2015, dated 12.10.2015.



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For Petitioner :No appearance

For Respondent :Mr.S.Ilamvaludhi for
Mr.S.Sivasubramani , Standing Counsel
for SETC

ORDER

The petitioner herein was appointed as a last Grade Servant in the then Thiruvalluvar Transport Corporation as a Last Grade Government Servant on 08.12.1980, he acquired further educational qualification, which enabled him to become eligible for promotion first as a Record Clerk and subsequently as a Junior Assistant. The petitioner made a representation to the respondents stating that he acquired B.A. (History) degree in the year 1995, by virtue of which he became eligible for promotion to the post of Junior Assistant much earlier. However, he was promoted only on 03.06.2006. Therefore, he contends that his promotion should be dated back with retrospective effect and given all the service benefits. He further submitted that he made a representation immediately after acquiring the BA degree seeking promotion to the post of



Junior Assistant in terms of Rule 59C of the Common Service Rule.

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2. Sum and substance of the writ petition is that, all his request for promoting him as Junior Assistant, taking into consideration his graduation, has not been considered and therefore, he sought for Writ of Mandamus to direct the respondents to re-designate the petitioner as Junior Assistant from October 1995. The following judgment referred by the Madurai Bench of Madras High Court in W.P.(MD)Nos.11076 and 11476 of 2014 and 4479 of 2015, dated 12.10.2015.

3. The short point for consideration is whether the acquiring of a degree will, itself, mandates the petitioner to be promoted to the higher post disregarding the other facts regarding cadre strength and vacancies. It is very rudimentary that possessing the required qualification for a post is one thing and appointment to the post is yet another thing. Not all persons who possess the qualification, can be accommodated in the post for which the said qualification



is prescribed. The petitioner herein, who joined as a lower grade servant in the year 1980, had been gradually raising in the cadre based on his length of service. His aspiration to be promoted as Junior Assistant without the requisite length of service and vacancy is impermissible.

4. He was initially promoted as Record Clerk on 03.06.1999 and thereafter, promoted as Junior Assistant on 03.06.2006. When his seniority fill due for the said promotional post, just because he has possessing B.A. degree in the year 1985 which is minimum required qualification for the post of Junior Assistant, he cannot automatically be placed or promoted as Junior Assistant.

5. In this case, strangely, the petitioner has not approached this Court, till he was in service. The writ petitioner is so laid, in case of success, he would get all emoluments without serving in the post of Junior Assistant. Hence, this writ petition is dismissed. No costs.



24.11.2025

Index:yes/no

Internet:yes

Speaking order/non speaking order

Neutral citation :yes/no

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To

The General Manager,
State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai 600 002.



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Dr.G.JAYACHANDRAN,J.

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