



WEB COPY

W.P.No.2429



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.24297 of 2013

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M.P.Nos.2 & 3 of 2013

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M.P.No.1 of 2015

1. S.Kandasamy (Deceased)
2. K.Maheswari ... Petitioner
[P2 substituted vide order dated 17.12.2024 made in WMP No.38531/2024]

Vs.

1. The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Fort St.George, Chennai – 600 009.
2. The Secretary to Government,
Environment and Forest Department,
Secretariat, Fort St.George,
Chennai – 600 009. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent issued in G.O (4D) No.42, P&AR Department, dated 29.09.2011 and consequential order passed in G.O (4D) No.44, P&AR Department, dated 28.05.2013 and quash the same and consequently direct the first respondent to promote the petitioner as Section



Officer in the 2010-2011 panel, on par with his juniors with all consequential monetary benefits.

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For Petitioner : Mr.T.Ranganathan

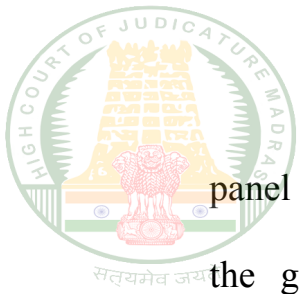
For Respondents : Mr.S.Rajesh,
Government Advocate

ORDER

The first petitioner herein was originally appointed as 'Office Assistant' in the year 1986 and thereafter the first petitioner has undergone the Foundation Course conducted by the Institute of Distance Education, University of Madras, and also acquired a graduation degree namely, B.A (Economics) through the Madras University in the year 2000 and thereafter, he was promoted/ appointed by 'recruitment by transfer' to the post of 'Assistant' in the year 2005 and subsequently promoted to the post of 'Assistant Section Officer' in the year 2006.

2. During the pendency of this writ petition, the original writ petitioner passed away and as such, the second petitioner herein has been brought on record being the legal representative of the deceased first petitioner.

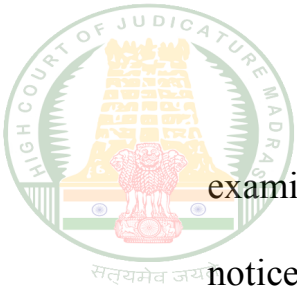
3. However, when the case of the first petitioner came up for consideration for further promotion to the post of 'Section Officer' during the



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panel year 2010-2011, the first petitioner's name was considered and rejected on the ground that the first petitioner did not possess the qualification of graduation obtained after passing the Higher Secondary Examination. Aggrieved by the same, the first petitioner filed an appeal before the first respondent Government. The first respondent Government, having considered the said appeal, rejected the same on the ground that the first petitioner has not obtained the degree after passing the Higher Secondary Examination and therefore, the individual is ineligible for inclusion of his name in the regular panel of 'Assistant Section Officer' fit for appointment to the post of 'Section Officer' for the panel year 2010-2011 by issuing orders in G.O (4D) No.42, P&AR Department, dated 29.09.2011 and further order passed in G.O (4D) No.44, P&AR Department, dated 28.05.2013 on an appeal filed by the first petitioner. It is aggrieved by the said orders, the first petitioner filed the present writ petition.

4. As noted above, the only reason assigned in the impugned order for refusing to consider the claim of the first petitioner for promotion to the post of 'Section Officer' for the panel year 2010-2011 is not possessing the degree qualification after passing the Higher Secondary Examination. In order to



examine the correctness or otherwise of the said reasoning, it is necessary to notice the qualifications that are prescribed for the post of 'Section Officer'.

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5. A perusal of the relevant Rules viz., the Special Rules for the Tamil Nadu General Service, especially Rule 3, prescribes the only qualification of rendering service for a period of not less than six years in the category of 'Assistant Section Officer' in the departments of the Secretariat other than Law and Finance. Thus, it is evident that there is no additional educational qualification that is prescribed for filling up the post of 'Section Officer in any department other than Law and Finance in the Secretariat', by way of 'recruitment by transfer' from the post of 'Assistant Section Officer' in the Tamil Nadu Secretariat Service. It is only in case of 'recruitment by transfer' from any other service, other than Tamil Nadu Secretariat Service, that the rule prescribes a qualification of holding a degree of any University recognized by the UGC, besides several other qualifications.

6. In the instant case, the first petitioner is working as 'Assistant Section Officer' in the Tamil Nadu Secretariat Service. Therefore, there is no additional educational qualification that is prescribed for being appointed to the post of



'Section Officer' from the category of 'Assistant Section Officer' of Tamil Nadu Secretariat Service.

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7. As already noted above, the first petitioner, who was initially appointed as 'Office Assistant', was appointed by 'recruitment by transfer' to the post of 'Assistant' on being found eligible for such appointment. In terms of the Tamil Nadu Secretariat Service Rules, especially Rule 14, which prescribes qualifications for appointment to various posts in the Tamil Nadu Secretariat Service, the post of 'Assistant', which falls under category 3(a), requires the possession of a Bachelor's Degree as a mandatory qualification for being appointed by 'recruitment by transfer' from the post of 'Office Assistant' in the Secretariat. It is only on considering that the first petitioner is possessing a Bachelor's Degree, he was appointed as 'Assistant' and then further promoted to the post of 'Assistant Section Officer'. In the absence of any additional qualifications being prescribed for appointment by 'recruitment by transfer' to the post of 'Assistant Section Officer' in the Tamil Nadu Secretariat Service to the post of 'Section Officer', under the Special Rules for the Tamil Nadu General Services Rules, there is no justification for the respondents in rejecting



the case of the first petitioner for being considered for promotion to the post of 'Section Officer' on the ground that the first petitioner does not possess a degree qualification after the Higher Secondary Examination.

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8. Even assuming that the qualification of Bachelor's Degree that is prescribed for the post of 'Assistant' under the Tamil Nadu Secretariat Service, is also necessary for being considered for appointment to the post of 'Section Officer', the prescribed qualification in terms of Tamil Nadu Secretariat Service Rules is only a Bachelor's Degree. There is no requirement of acquiring the Degree after Higher Secondary Examination. In the absence of any such prescription, absolutely there is no justification for the respondents to treat the first petitioner as ineligible for inclusion of his name in the regular panel of 'Assistant Section Officer' fit for appointment as 'Section Officer' for the year 2010-2011.

9. Though the respondents filed a detailed counter-affidavit, except reiterating that the first petitioner does not possess a degree after Higher Secondary Examination, there is no rule or regulation that is referred to in the



counter-affidavit. In spite of this court requiring the learned Government Advocate to specify under which rule such a requirement is prescribed, nothing has been brought to the notice of this court.

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10. This court, having perused the qualifications that are prescribed for the post of 'Assistant' under the Tamil Nadu Secretariat Service and also the qualifications that are prescribed for the post of 'Section Officer' under the Special Rules for the Tamil Nadu General Service, is thoroughly convinced that there is no requirement of possessing a degree after the Higher Secondary Examination and it is suffice if a candidate possesses a Bachelor's Degree for being considered for appointment to the post of 'Section Officer' and has six years of service in the post of 'Assistant Section Officer' for being considered for 'appointment by transfer' to the post of 'Section Officer' under the Special Rules for the Tamil Nadu General Service.

11. In the light of the above, the impugned Government Order bearing G.O (4D) No.42, P&AR Department, dated 29.09.2011 and further order passed



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in G.O (4D) No.44, P&AR Department, dated 28.05.2013 cannot be sustained and the same are accordingly quashed.

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12. Further, the respondents are directed to include the name of the first petitioner in the regular panel of 'Assistant Section Officers' fit for appointment as 'Section Officer' for the year 2010-2011, at the appropriate place and also extend the promotion and all other consequential benefits, on par with his immediate junior. The respondents are directed to complete the entire exercise, as directed above, as expeditiously as possible, at any rate within a period of three months from the date of receipt of a copy of this order.

13. Accordingly, this writ petition is allowed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

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To

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Personnel and Administrative Reforms Department,
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2. The Secretary to Government,
Environment and Forest Department,
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Chennai – 600 009.



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MUMMINENI SUDHEER KUMAR, J.
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