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W.P. No.4809 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. No.4809 of 2024
and
W.M.P. No.5243 of 2024

A.Amalraj
S/o.Arockiyasamy,
No.96-1, Karunanidhi Nagar,
Sowripalayam, Coimbatore-641 028.

Petitioner(s)

Vs

1.The Government of Tamil Nadu,
Rep. by the Principal Secretary to
Government of Tamil Nadu,
Municipal Administration and Water Supply
Department, Fort St.George, Chennai- 09.

2.The Director of Municipal Administration
No.75, Santhome High Road,
M.R.C. Nagar, Raja Annamalaipuram,
Chennai-028.

3.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore-01.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 1st respondent in Letter No.9009/Man.4/2023-3 dated 24.01.2024 and quash the same and consequently direct the 1st and 2nd respondents to give promotion to the petitioner to the post of Assistant
1/10



W.P. No.4809 of 2024

Commissioner (Revenue), in Coimbatore Municipal Corporation, in same manner as other persons who had been holding the posts of Sanitary Inspector and Council Secretary and who had been promoted as Assistant Commissioner in other Municipal Corporations by way of relaxing the rule.

For Petitioner(s) : Mr.Durai Gunasekaran

For Respondent(s) : Mr.C.Selvaraj
Additional Government Pleader (for R1, R2)
Mr.D.R.Arun Kumar (for R3)

ORDER

The present writ petition has been filed challenging the order passed by the 1st respondent in Letter No.9009/Ma na.4/2023-3 dated 24.01.2024 and quash the same and to consequently direct the 1st and 2nd respondents to give promotion to the petitioner to the post of Assistant Commissioner (Revenue), in Coimbatore Municipal Corporation, in same manner as other persons who had been holding the posts of Sanitary Inspector and Council Secretary and who had been promoted as Assistant Commissioner in other Municipal Corporations by way of relaxing the rule.

2. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as a Health Assistant by the Coimbatore Municipal Corporation vide proceedings in R.O.C.No.23357/89/E-18 dated 07.11.1989. Thereafter, in the year 1990, the post of Health Assistant was merged with the post of Sanitary Inspector. It is further stated that the petitioner completed law degree in the year 2002 and pursuant to which the petitioner was promoted as

2/10



W.P. No.4809 of 2024

Council Secretary on 27.10.2011. It is also stated that the petitioner was in full additional charge of Assistant Commissioner, South Zone, Coimbatore as per the order of the 3rd respondent dated 18.06.2013 and later on the petitioner was transferred to North Zone of Coimbatore Municipal Corporation and he was in full additional in charge of Assistant Commissioner, North Zone. The petitioner at present is serving as Council Secretary in Erode Municipal Corporation from 30.08.2023, on deputation.

3. It is the case of the petitioner that one A.Devadoss, who is similarly placed as petitioner, entered into the service as Sanitary Inspector in Madurai Municipal Corporation, holding a B.L. Degree was promoted as Secretary to Council in Madurai Municipal Corporation and thereafter promoted as Assistant Commissioner by relaxing Rule 4 of the Tamil Nadu Municipal Corporation General Service Rule, 1996. Similarly, it is stated several Council Secretaries were promoted as Assistant Commissioner by relaxing the aforesaid rule, however, the same was not extended to the petitioner. Aggrieved by the same, the petitioner submitted a representation to the respondents to promote the petitioner in the post of Assistant Commissioner, however, the same was not considered. Therefore, the petitioner filed a writ petition before this Court in W.P.No.23865 of 2023, wherein this Court vide order dated 14.08.2023 issued a direction to the 3rd respondent to consider the petitioner's proposal and pass final orders therein.



W.P. No.4809 of 2024

Pursuant thereto, the impugned order was passed rejecting the petitioner's request for promotion to the post of Assistant Commissioner vide order dated 21.04.2024. Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner would therefore submit several persons including one Devadoss and one Sundararajan, who are similarly placed and entered the service as Sanitary Inspector in the respective corporation, as that of the petitioner and also holders of B.L. Degree were subsequently promoted as Assistant Commissioner by relaxing Rule 4 of the Tamil Nadu Municipal Corporation General Service Rule, 1996, however, the same was extended to the petitioner which is an act of discrimination. Therefore, the learned counsel appearing for the petitioner prays for appropriate orders.

5. Per contra, the learned counsel for the respondents would place reliance on the counter affidavit filed in support of this writ petition, the relevant portions of the counter affidavit is extracted hereunder:

“3. I submit that the Petitioner was originally appointed in the Health Wing as a Health Assistant and subsequently promoted as Sanitary Inspector. In 2011, the Petitioner was appointed as Council Secretary in Coimbatore Corporation only by way of relaxation of Rule 4 of the Tamil Nadu Municipal Corporation General Service Rules, 1996. The said relaxation was granted purely as a one time administrative measure since eligible feeder category



W.P. No.4809 of 2024

WEB COPY

candidates were not available at that point of time. I submit that such relaxation does not confer any vested right for future promotions nor can it be treated as a precedent for claiming subsequent relaxation. The Petitioner's claim that he was promoted is not true, he was only accommodated by way of relaxation superseding several eligible ministerial staff.

4. I submit that with respect to the Petitioner's reliance on earlier promotions granted to other individuals, it is submitted that Thiru A. Devadoss promoted vide G.O.(D) No.10, MA&WS Dept., dated 16.01.2006, Thiru M. Sundararajan promoted vide G.O.(P) No.552, MA&WS Dept., dated 29.10.2010) and Thiru M. Dayanithi promoted vide G.O.(D) No.288, MA&WS Dept, dated 29.07.2011 were promoted as Assistant Commissioners only after the Government specifically relaxed Rule 4 of the Tamil Nadu Municipal Corporation General Service Rules, 1996. These relaxations were made due to the fact that, at the relevant point of time, no eligible officials were available in any feeder category.

...

6. I submit that under both the repealed Tamil Nadu Municipal Corporation General Service Rules, 1996, and the present Tamil Nadu Urban Local Bodies Rules, 2023, the feeder categories for promotion to the post of Assistant Commissioner are strictly restricted to Administrative Officer and Accounts Officer and Revenue officer.

7. I submit that The Tamil Nadu Municipal Corporation General Service Rules, 1996 rule 3 & 4 states as follows:

3. Appointment.- Appointment to the posts specified in column (1) of the Table below shall be made by the methods specified in the corresponding entries in column (2) thereof:



W.P. No.4809 of 2024

<i>Name of the Post</i>	<i>Method of Recruitment</i>
Assistant Commissioner (Revenue)	(i) By promotion from the holders of the posts in Class Or (i) By transfer from the holders of the posts of Assistant Commissioner (Personnel) Assistant Commissioner (Accounts) and Assistant Commissioner (Ward Offices).

4. Qualification- No person shall be appointed to the Categories specified in column (1) of the Table below by the method specified in column (2), unless the possesses the academic and Training Qualifications specified in the corresponding entries in column (3) thereof:

<i>Name of the Post</i>	<i>Method of Appointment</i>	<i>Qualification</i>
Assistant Commissioner (Revenue)	By promotion	(i) Must have served as Accounts Officer and Assistant Revenue Officer for a period of less than two years in the post; and (ii) Must have at least one year service before his age of Superannuation

8. I humbly submit that Tamil Nadu Urban Local Bodies Rules, 2023 which and came into force on 13.04.2023, in Rule-204, states the method of



W.P. No.4809 of 2024

appointment and qualification were prescribed for the post of Assistant Commissioner (Revenue) is as below:

Name of the Post	Method of Appointment	Qualification
Assistant Commissioner (Revenue)	(1) By promotion from among the holders of the post of Assistant Commissioner, Grade III (Zone), Senior Revenue Officer and Senior Accounts Officer by combined following seniority; or (2) By transfer from among the holders of the post of Assistant Commissioner (Personnel) or Assistant Commissioner (Accounts)	Must have rendered service as Assistant Commissioner, Grade III (Zone) or Senior Revenue Officer or Senior Accounts Officer for a period of not less than two years.

9. Based on the above provision of Tamil Nadu Urban Local Bodies (Amendment) Rules, 2023 the post of Assistant Commissioner (Revenue) shall be filled by promotion from among the holders of the post of Assistant Commissioner, Grade III (Zone), Senior Revenue Officer and Senior Accounts Officer by following combined seniority. I submit that the Petitioner has never held either of these posts nor does he possess the experience or qualifications prescribed under the service rules. Thus, he does not satisfy even the basic eligibility criteria to be considered for empanelment to the post of Assistant Commissioner.”



W.P. No.4809 of 2024

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

7. The facts in the present case are not in dispute, admittedly, the petitioner entered the service as a Health Assistant in Coimbatore Municipal Corporation and was subsequently acquired B.L. Degree in the year 2002 and was thereafter promoted as Council Secretary in the Coimbatore Municipal Corporation on 27.10.2011. Later, the petitioner was deputed to Erode Municipal Corporation from 30.08.2023. While serving as Council Secretary in Erode Municipal Corporation and also holding full additional in-charge of the post of Assistant Commissioner, the petitioner submitted a representation to the respondents seeking promotion to the post of Assistant Commissioner, however as per Rules 3 and 4 of the Tamil Nadu Municipal Corporation General Service Rule, 1996, the appointment to the post of Assistant Commissioner, Revenue, by promotion from the holder of Class II or by transfer from the holders of the posts of Assistant Commissioner (Personnel) and Assistant Commissioner (Accounts) and Assistant Commissioner (Ward Offices), no person shall be appointed to the categories specified in the column unless he/she possesses the academic and training qualifications specified in the corresponding entries in column (3) thereof. Further, the promotion to the post of Assistant Commissioner from the feeder category is the person must have served as Accounts Officer and Assistant



W.P. No.4809 of 2024

Revenue Officer for a period of less than two years in the post and must have at least one year service before his age of superannuation. However, the petitioner has not served as Accounts Officer/ Assistant Revenue Officer, he is serving as a Council Secretary, which is not a feeder category for promotion to the post of Assistant Commissioner. Hence, relaxing Rule 4 of the Tamil Nadu Municipal Corporation General Service Rule, 1996, and granting promotion to the petitioner is contrary to the said rule. Therefore, no interference is required in the impugned order and the prayer requested by the petitioner cannot be granted.

8. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

10.12.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

1.The Principal Secretary To Government
of Tamil Nadu,
Municipal Administration and Water Supply
Department, Fort St. George, Chennai- 09.

2.The Director of Municipal Administration
No.75, Santhome High Road, M.R.C. Nagar, Raja
Annamalaipuram, Chennai-028.

3.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore- 01.

9/10



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W.P. No.4809 of 2024

M. DHANDAPANI, J.

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W.P. No.4809 of 2024

10.12.2025