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W.P.No.34042 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.34042 of 2012

G.Kanakaraj

... Petitioner

Vs.

The Chairman

Tamil Nadu Pollution Control Board

Chennai-32.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in proceedings TNPCB/LAW/LAI/20575/2012 dated 18.09.2012 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to promote the petitioner to the post of Assistant Director (Lab).

For Petitioner : Ms.R.Poornima

For Respondent : Ms.Madhuri Donti Reddy
assisted by Ms.Nila

ORDER

The brief facts that are relevant for disposal of this writ petition are as under:

1.1. While the petitioner was working as Chief Scientific Officer



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made a claim for promotion to the post of Assistant Director (Lab) on the ground that one Mr.P.V.Marimuthu was appointed as Assistant Director (Lab), though he does not possess Ph.D qualification, through B.P.Ms.No.24 dated 16.02.2005, ignoring the claim of the petitioner who possessed the requisite qualification including the Ph.D degree. The basis for the petitioner to make such a claim in the year 2012 was that, in terms of B.P.Ms.No.41, dated 01.09.1998, possessing a Ph.D degree is treated as a mandatory qualification, together with 5 years of experience in the post of Additional Manager, for promotion to the post of Assistant Director (Lab). But contrary to the same, the case of one Mr.P.V.Marimuthu was considered and he was promoted to the post of Assistant Director (Lab) in the year 2005. Thus, the petitioner claimed for reversion of the said P.V.Marimuthu from the post of Assistant Director (Lab) and sought for his promotion with retrospective effect. The said claim of the petitioner was negatived by the respondent board by passing the impugned order dated 18.09.2012 stating that the Ph.D qualification was never prescribed as one of the qualification for the post of Assistant Director (Lab) and also stated that the qualification for the post of Assistant Director (Lab) was fixed in terms of B.P.Ms.No.39 dated 17.12.1997. It is aggrieved by the said order dated 18.09.2012, the petitioner



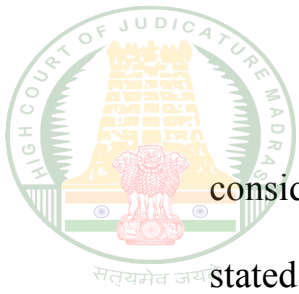
approached this Court by filing the present writ petition.

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2. Heard Ms.R.Poornima, learned counsel for the petitioner and Ms.Nila representing Ms.Madhuri Donti Reddy learned counsel for the respondent Board.

3. In nutshell, it is the specific case of the petitioner that the Ph.D qualification is a mandatory qualification for the post of Assistant Director (Lab), but one Mr.P.V.Marimuthu was promoted to the post of Assistant Director (Lab) though he does not possess the said qualification, while ignoring the petitioner who acquired Ph.D qualification as early as in the year 2000. The basis for the petitioner to assume that the Ph.D is a mandatory qualification for the post of Assistant Director (Lab) is B.P.Ms.No.41 dated 01.09.1998, in specific, paragraph No. 4 of the said B.P.

4. A perusal of the said B.P., in specific paragraph No. 4 would disclose that the draft orders was submitted to the Government for amending the Board regulations prescribing the qualification of Ph.D in any of the disciplines for the post of Assistant Director (Lab) is pending for



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consideration and has not been approved by the Government. Therefore, it is stated in the said B.P that the qualification prescribed by the Board by its resolution in terms of B.P.Ms.No.39 dated 17.12.1997 is being followed for filling up the post of Assistant Director (Lab). It is only basing upon a draft proposal said to have been submitted by the respondent Board to the Government for approval, the petitioner is assuming that the Ph.D qualification is a necessary qualification for the post of Assistant Director (Lab). Thus, it is evident that it is only on assumption, the petitioner is contending that the Ph.D qualification is a must for the post of Assistant Director (Lab).

5. Yet another contention raised by the learned counsel for the petitioner is that the post of Assistant Director (Lab) was sanctioned in terms of G.O.Ms.No.156, Environment and Forests (EC.II) Department, dated 07.05.1997 and in terms of the same, Ph.D in Chemistry is a necessary qualification for the post of Assistant Director (Labs). No doubt, in terms of G.O.Ms.No.156, dated 07.05.1997, such a qualification was prescribed, but subsequent thereto, the respondent Board has passed a resolution dated 15.10.1997 prescribing qualifications for the post of Assistant Direct (Lab)



through B.P.Ms.No.39 dated 17.12.1997. In terms of the said order, the qualifications that are prescribed for the post of Assistant Director (Lab) are as under:

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- “1.Must be an approved probationer in the category of Manager (Labs.)*
- 2. He should have completed of 5 years of service in the post of Manager.”*

6. Except the above said two qualifications, there are no other qualifications prescribed for the post of Assistant Director (Labs). In view of the subsequent Board proceedings subsequent to issuance of G.O.Ms.No.156, dated 07.05.1997, the contention of the learned counsel for the petitioner by placing reliance on G.O.Ms.No.156 dated 07.05.1997 cannot be accepted.

7. In the light of the above, it is evident that the Ph.D degree never the qualification that is prescribed for the post of Assistant Director (Labs) and the petitioner started making a claim for promotion to the post of Assistant Director (Labs) on assumption that the qualification of Ph.D is a mandatory qualification for the said post.

8. In the light of the above, this Court does not find any error or



illegality in the impugned order passed by the respondent and accordingly,
this writ petition is dismissed. 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

To

The Chairman
Tamil Nadu Pollution Control Board
Chennai-32.

MUMMINENI SUDHEER KUMAR, J.



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