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W.P.No.7343 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.12.2025

PRONOUNCED ON : 12.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.7343 of 2019
and WMP.No.8021 of 2019

V.Jayasankar

... Petitioner

vs

1.Government of Tamil Nadu
Represented by its Secretary to Government
Highways Department,
Fort St.George,
Chennai – 600 009.

2.The Chief Engineer (general)
Highways and Rural Development Department
Chennai – 600 005.

3.The Divisional Engineer
[Construction and Maintenance]
Highways Department
Villupuram,
Villupuram District.

4.The Assistant Divisional Engineer
[Construction and Maintenance]
Highways Department
Gingee,
Villupuram District.

5.The Assistant Divisional Engineer



[Construction and Maintenance]
Highways Department
Thindivanam South Division
Thindivanam,
Villupuram District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified Mandamus to call for the entire records connected with the 3rd respondent's seniority list in the proceedings in Ku.No.04/2015/A3 dated 02.01.2015 and quash the same as far as the petitioner's educational qualification “10th standard fail” is concerned and consequently, direct the 3rd respondent to include the petitioner's 10th standard passed qualification in the service register and promote him as Road Inspector – II retrospectively.

For Petitioner : Mr.G.Balamanikandan
for M/s.S.Kanmani

For Respondents : Mrs.V.Yamuna Devi, Spl.GP

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the records.

2. The case of the petitioner in brief is that he was appointed as Gang Mazdoor by the 3rd respondent vide proceedings dated 14.11.1997 at the office of the 5th respondent; that he had joined service on 01.12.1997; and that after completion of one year probation period his service was confirmed



by order dated 18.05.1999 and was regularised w.e.f. the date of joining i.e., 01.12.1998.

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3. It is the further case of the petitioner is that as per Tamil Nadu Highways Engineering Subordinate (Work Charged) Service Rules (hereinafter referred to as 'Rules') a Gang Mazdoor who had completed 5 years of service and have gained technical knowledge in road work and having minimum SSLC qualification are eligible for appointment of Road Inspector-II; that since, at the time of joining into service he did not possess the qualification of SSLC as having failed in one subject in the examination taken by him in the year 1981, he had appeared for the failed subject in the year 2009 and cleared the same. Thus, the petitioner secured SSLC pass certificate in September 2009.

4. It is the further contention of the petitioner that on securing SSLC Certificate, he had approached the 3rd respondent and submitted representation dated 20.11.2019 to include his educational qualification as 10th standard pass in the service records.



5. It is further contended that since, he had written examination in the failed paper of SSLC exam for which he had initially appeared in the year 1981, he did not seek any permission, but only availed leave to write the said exam paper, he had submitted a representation on 24.01.2014 to the 2nd respondent to forgive for the same; that the 3rd respondent returned his representation to the 5th respondent by his proceedings dated 24.02.2014 and called upon the 5th respondent to send copy of the prior permission, copy of the leave letter and copy of the leave register.

6. The petitioner further contended that on account of the respondent not recording his qualification as SSLC, he was not promoted to the post of Road Inspector – II by the 3rd respondent, when similarly placed co-employee who had written failed SSLC examination along with him was promoted to the post of Road Inspector -II in the year 2013, resulting in the petitioner being denied the opportunity of promotion.

7. It is the further contention of the petitioner that once for every five years period, the 3rd respondent issues seniority list for the Gang Mazdoor; that the 3rd respondent by his proceedings Ku.No.04/2015/A3 dated 02.01.2015 published the seniority list for the Gang Mazdoor wherein his



educational qualification is mentioned as 10th standard fail, even though, ne had passed in the year 2009; and that the respondents are seeking to deny the claim of the petitioner for recording his educational qualification as 10th standard pass solely on the ground that he did not obtain prior permission from the respondents for pursuing SSLC, without appreciating that he had pursued SSLC in the year 1981 and had only cleared the one failed subject in the year 2009, as such the petitioner is not required to obtain any permission from the respondents, as writing an examination in a failed paper would not amount or cannot be considered as pursuing further studies requiring permission from the respondents.

8. Contending as above, the petitioner seeks for quashing of the seniority list dated 02.01.2015, insofar as it had recorded his educational qualification as 10th standard fail with a consequential direction to the 3rd respondent to include the petitioner's educational qualification as 10th standard pass in the service record and to promote him to the post of Road Inspector-II retrospectively.

9. Counter affidavit is filed by the 3rd respondent.



10. The 3rd respondent by the counter affidavit while not denying the claim of the petitioner with regard to his appointment and regularisation of his service, contended that the vacant posts of Road Inspector-II are to be filled up in terms of GO.Ms.No.34 dated 29.01.2008 and GO.Ms.No.33 dated 06.04.2018 by fixing the ratio of 75% : 25 % (i.e,) 75% by direct recruitment and 25% by transfer of service from Gang Mazdoor; that in order to eligible for being considered under the 25% quota, a Gang Mazdoor should possess necessary work experience and also the educational qualification of SSLC pass; that the petitioner without obtaining prior permission from the 5th respondent having written the examination in the failed subject of 10th standard and clearing the same in September 2009 and thereafter submitted his representation in the year 2014 for recording his educational qualification as 10th standard pass and also tendering apology for not seeking permission to write examination in the failed paper, while, the co-employee whose case is considered by the respondent, having obtained permission for writing the examination and clearing the said failed paper of SSLC, the authorities have altered educational qualification and included his name in the seniority list by mentioning as 10th standard pass, the petitioner cannot feel aggrieved as it is only on account of failure on the part of the petitioner to take permission, the aforesaid situation had arisen.



seniority list of Gang Mazdoor fit for promotion as Road Inspector – II on 01.01.2015; and that he is to be granted promotion retrospectively. Contending as above, the respondents seeks for dismissal of the writ petition.

14. I have take note of the respective contentions urged.

15. Though, the petitioner contended that only if an employee intends to acquire additional qualification after joining service, necessary permission is required to be obtained and since, the petitioner having appeared in the SSLC examination in the year 1981 and having failed in one subject, appearing for the exam in the failed subject will not amount to he pursuing higher studies or further academics requiring to obtain promotion, it is to be noted that though the aforesaid submission is attractive at first blush, a deeper scrutiny reveals that on account of appearing for the examination in failed paper and qualifying therein, would result in petitioner securing an additional qualification, which he did not possess at the time of entering into service. Thus, even though the petitioner had only appeared for examination in the failed paper, the petitioner was required to



obtain permission from the respondents to appear in the said examination, as was done by his co-employee.

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16. Further, the petitioner, while submitting his representation in November 2014, seeking correction of his educational qualification having sought to forgive, would go to show that the petitioner was aware of the requirement to avail permission.

17. Thus, the petitioner cannot claim that it is only when undertaking academic pursuit, permission is required to be obtained does not impress this Court for accepting the said contention.

18. Further, the respondent having published the seniority list of eligible candidates fit for promotion as on 01.01.2015 and having granted time till 19.01.2015 for filing objections, and the petitioner having not filed any objection including his claim for correction of his educational qualification in the service record thereby making him eligible for promotion to the post of Road Inspector – II, cannot be allowed to lay challenge to the seniority list of the year 2015, after lapse of four years.



19. The Hon'ble Apex Court in the case of *V.Vincent Velankanni v.*

Union of India – 2024 SCC Online SC 2642 had held that a seniority list once finalised are not be disturbed normally as the same would have a cascading effect.

20. Since, the petitioner did not file objections to the seniority list published within the time mentioned therein, cannot now be allowed to raise claim as acting on the said seniority list, promotions having been effected to the post of Road Inspector- II, and the said promotee having put in requisite period of service in the promoted positions being eligible for further promotion.

21. As the petitioner allowed the seniority list published by the respondent in January 2015 to attain finality, and that on account of the fact that the additional qualification secured by the petitioner is without prior permission which omission had not been condoned by the respondents till date, this Court is of the view that the petitioner is not entitled for being granted the relief as sought for in the writ petition.



22. Thus, considered from any angle, the present writ petition as filed is devoid of merit and is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

12.12.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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T. VINOD KUMAR, J.

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Pre-Delivery Order in

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