



WP No. 11970 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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**DATED: 04-04-2025**

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**WP No. 11970 of 2025**

**AND**

**WMP Nos.13531, 13534, 13536 of 2025**

S.P.Shivakumar

Petitioner(s)

Vs

1.Department Of Labour Welfare And  
Skill Development  
DMS Campus, Teynampet,  
Chennai-600 006.

2.Tamil Nadu Public Service  
Commission (TNPSC)  
TNPSC Road, V.O.C. Nagar, Park  
Town, Chennai-600 003

3.Commissioner Of Labour  
26WX+JG8, DMS Campus, DMS  
Subway, Anna Salai, Chokkalingam  
Nagar, Teynampet, Chennai,  
Tamilnadu-600 006

Respondent(s)



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**WP No. 11970 of 2025**

**PRAYER**

to declare the amendment made to Rule 2 of the Special Rules for the Tamil Nadu Labour Service brought in through impugned notification G.O.(MS)No.71, dated 13.8.2024 issued by the 1st respondent - Labour Welfare and Skill Development Department as unreasonable arbitrary and unconstitutional being violative of Article 14 of the Constitution of India.

**WP No. 11970 of 2025**

For Petitioner(s): Mr.Nithyaesh Nataraj For  
Mr.Akash Srinanda.V

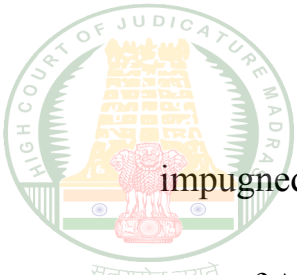
For Respondent(s): Mr.E.Veda Bagath Singh SGP  
For R1 and 3  
Mr.R.Bharanidharan SC For  
TNPSC For R2

**ORDER**

**(Order of the Court was made by S.M.Subramaniam J.)**

The writ of declaration has been instituted to declare the amendment made to Rule 2 of the Special Rules for the Tamil Nadu Labour Services brought into impugned notification in G.O.(MS)No.71, dated 13.8.2024. The petitioner is an aspirant seeking public employment in Government services.

The grievances of the petitioner is that in the event of implementing the

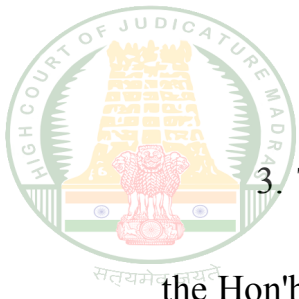


impugned amendment, he will lose his opportunity to apply for selection to the post of Assistant Commissioner of Labour in the Department of Labour. Further

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the petitioner states that specialisation in Labour Law would be relevant for the purpose of exercising powers conferred to the post of Assistant Commissioner of Labour and higher posts in the Labour Department. Through amendment, the specialised labour law related qualifications were deleted and degree alone is prescribed as an eligible qualification for selection to the post of Assistant Commissioner of Labour. Thus, the petitioner has chosen to file the present writ petition.

2. The learned counsel for the petitioner mainly contended that the principles of legitimate expectation would apply since the Labour Department is a specialised department dealing with labour laws and therefore, a candidate who possess the requisite specialised courses in labour law alone must be eligible for the purpose of appointment to the post of Assistant Commissioner of Labour.



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3. The learned counsel for the petitioner would rely on the judgment of the Hon'ble Supreme Court of India in the case of ***Sivanandan C.T. and Others vs. High Court of Kerala and Others***<sup>1</sup>. He relied on paragraph 47 of the said judgment, which relates to the principles of legitimate expectation. Pertinently, the Court in its earlier paragraphs dealt with contours of the Doctrine of legitimate expectation and the principles or summaries. In the very same judgment, the Apex Court held that “the courts cannot interfere with the decision of an authority taken by way of policy or public interest unless such decision amounts to an abuse of power”. The paragraph 46 of the said judgment reads as under:-

*“46. From the above discussion, it is evident that the doctrine of substantive legitimate expectation is entrenched in Indian administrative law subject to the limitations on its applicability in given factual situations. The development of Indian jurisprudence is keeping in line with the developments in the common law. The doctrine of substantive legitimate expectation can be successfully invoked by individuals to claim substantive benefits or entitlements based on an existing promise or practice of a*

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1. (2024) 3 SCC 799



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*public authority. However, it is important to clarify that the doctrine of legitimate expectation cannot serve as an independent basis for judicial review of decisions taken by public authorities. Such a limitation is now well recognised in Indian jurisprudence considering the fact that a legitimate expectation is not a legal right.<sup>2</sup> [Union of India v. Hindustan Development Corpn., (1993) 3 SCC 499; Bannari Amman Sugars Ltd. v. CTO, (2005) 1 SCC 625; Monnet Ispat & Energy Ltd. v. Union of India, (2012) 11 SCC 1; Union of India v. P.K. Choudhary, (2016) 4 SCC 236 : (2016) 1 SCC (L&S) 640; State of Jharkhand v. Brahmputra Metalics Ltd., (2023) 10 SCC 634.] It is merely an expectation to avail a benefit or relief based on an existing promise or practice. Although the decision by a public authority to deny legitimate expectation may be termed as arbitrary, unfair, or abuse of power, the validity of the decision itself can only be questioned on established principles of equality and non-arbitrariness under Article 14. In a nutshell, an individual who claims a benefit or*

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2. Union of India v. Hindustan Development Corpn., (1993) 3 SCC 499; Bannari Amman Sugars Ltd. v. CTO, (2005) 1 SCC 625; Monnet Ispat & Energy Ltd. v. Union of India, (2012) 11 SCC 1; Union of India v. P.K. Choudhary, (2016) 4 SCC 236 : (2016) 1 SCC (L&S) 640; State of Jharkhand v. Brahmputra Metalics Ltd., (2023) 10 SCC 634



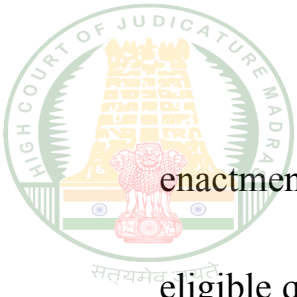
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*entitlement based on the doctrine of legitimate expectation has to establish : (i) the legitimacy of the expectation; and (ii) that the denial of the legitimate expectation led to the violation of Article 14.”*

Prescription of educational qualification, age and other criteria for selection and appointment is the prerogative of an employer and as far as the Government employments are concerned, it is a policy decision.

4. One of the argument advanced is that the Assistant Commissioner is dealing with Labour Laws. Pertinently, every Government Department is dealing with many other enactments and they are also quasi-judicial functionaries. For Example, Registration Department is dealing with Registration Act, Stamp Act and other related Acts. Co-operative Department is dealing with Co-operative Societies Act. Even Civil Procedure Code is being followed for the purpose of conducting enquiry under the Act. Revenue authorities are also dealing with many other revenue related enactments.

5. Therefore, all the Government Departments are dealing with various



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enactments and as far as the State of Tamil Nadu is concerned, degree is the eligible qualification to participate in the open competitive selection process for appointment to Group-I services in the Government of Tamil Nadu. In order to bring uniformity, the Government brought amendment enabling the eligible graduates to participate in the open competitive process. Therefore, the amendment is a policy decision taken by the Government of Tamil Nadu revising the eligibility criteria and age limit for the purpose of selection and appointment to the post of Assistant Commissioner of Labour in Labour Department. A candidate aspiring to seek public employment cannot question such a policy decision of the Government in fixing eligibility criteria including educational qualification, age limit etc. Pertinently, the writ petitioner is aged about 49 years.

5. In view of the fact that the impugned amendment is all about revising the educational qualification, age limit for selection and appointment to the post of Assistant Commissioner of Labour, the petitioner has not established any semblance of legal right for the purpose of entertaining the writ petition.



WP No. 11970 of 2025



Consequently, the Writ Petition stands dismissed and the connected miscellaneous petitions are closed. No costs.

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**(S.M.SUBRAMANIAM J.)**

**(K.RAJASEKAR J.)**

**04-04-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 11970 of 2025



**WP No. 11970 of 2025**

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To

1.Department Of Labour Welfare And  
Skill Development  
Dms Campus, Teynampet, Chennai-600  
006

2.Tamilnadu Public Service  
Commission(tnpsc)  
Tnpsc Road, Voc Nagar, Park Town,  
Chennai-600 003

3.Commissioner Of Labour  
26wx Plus Jg8, Dms Campus, Dms  
Subway, Anna Salai, Chokkalingam  
Nagar, Teynampet Chennai,  
Tamilnadu-600 006



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**S.M.SUBRAMANIAM  
J.  
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