



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.9243 of 2014

and

M.P.No.1 of 2014

R.Manickam

... Petitioner

Vs.

1.The Principal Secretary to Government
Home (Prison) Department,
Fort St George, Chennai-9.

2.The Additional Director General Police &
Head of the Department/Prisons,
Egmore, Chennai-8.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in connection with the impugned order passed in letter D No.1006/Home (Prison-II) dated 28.03.2013 and quash the same and direct the respondents to consider the claim of the petitioner for promotion as Assistant Jailor and promote he as Assistant Jailor and grant his all consequential service and monetary benefits.

For Petitioner

: Mr.K.Ilayaraja

For Respondents

: Mr.V.Nanmaran

Additional Government Pleader



ORDER

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This writ petition has been filed aggrieved by the impugned proceedings dated 28.03.2013, whereby the claim of the petitioner for promotion to the post of Chief Head Warder/Assistant Jailor was negated by the respondents on the ground that the petitioner does not possess the minimum educational qualification required for the post of Chief Head Warder.

2. The learned counsel for the petitioner contended that in terms of G.O.Ms.No.290 Personnel and Administrative Reforms (Per B) Department dated 31.03.1992, the persons who have appeared and passed or failed in the public examination held after 11 years of regular school of study irrespective of the marks obtained by them in the public examination shall be deemed to be eligible for admission in the Higher Secondary Course of study. In view of the same, the petitioner who appeared and failed in 11 years of SSLC examination is deemed to be the one eligible for admission to the Higher Secondary Course of study and therefore, he is required to be treated as the person possessing minimum qualification as prescribed under Rule 12 of Tamil Nadu State and Subordinate Service Rules. He also further contended

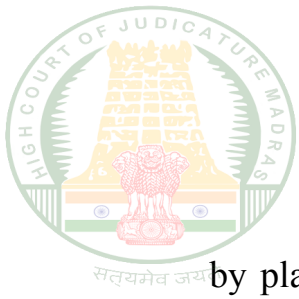


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that the very same qualification was prescribed for the post of Grade II Jail Warder and accordingly, the petitioner was appointed for the said post and therefore, the action of the respondents in refusing to consider the case of the petitioner for promotion to the post of Chief Head Warder on the ground that the petitioner does not possess the minimum educational qualification is totally erroneous.

3. On the other hand, Mr.V.Nanmaran, learned Additional Government Pleader appearing for the respondent contended that the petitioner is required to be possess minimum educational qualification as prescribed under Rule 12 of General rules in order to be eligible for consideration of promotion to the post of Chief Head Warder. But the petitioner does not possess the minimum educational qualification as prescribed under Rule 12 of the General rules.

4. This Court has carefully considered the submissions made on either side and also perused the entire materials on record.



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5. The main contention of the learned counsel for the petitioner is by placing reliance on G.O.Ms.No.290 dated 31.03.1992. A perusal of the said G.O disclose that the same is only a suggestion made by the Tamil Nadu Public Service Commission to amend the Rule 12(a) of the General Rules by duly making the persons who appeared and passed or failed in the public examination held after 11 years of regular school of study irrespective of the marks obtained by them to be eligible for admission to the Higher Secondary course of study. The said G.O also proposed and amended to Rule 12(a) of General rules. But there is nothing placed on record to show that the consequential amendment as proposed under G.O.Ms.No.290 dated 31.03.1992 has been carried out.

6. A perusal of the Tamil Nadu State and Subordinate Service Rules as available for this Court does not indicate any such amendment carried out to the General Rules. A perusal of Rule 12(a) as existed prescribes a minimum educational qualification, and in terms of the same, a pass in the SSLC examination, the eligibility for admission to the college course of study in the universities in the state is considered as minimum educational qualification. However, admittedly in the present case, the



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petitioner has not passed the SSLC examination. In terms of Explanation II to Schedule I of Rule 12(a)(i), a person who had appeared 11 years of SSLC public examination and failed to obtain 35% of marks in one or more subjects but has appeared and obtained 35% marks in corresponding subjects in 10 years of SSLC public examination shall be deemed to have passed the SSLC examination. So also, in terms of Explanation I, a person who had appeared 11 years of SSLC Public Examination and obtained 35% marks in each of the subject either in one sitting or compartmentally shall be deemed to have passed the SSLC public examination. The petitioner herein, admittedly, is not satisfying any of the requirements prescribed either of Explanation I or II.

7. Thus, it is evident that the petitioner is not possessing the minimum educational qualification as prescribed under Rule 12(a) of the General Rules. In the absence of minimum educational qualification prescribed for the post of Chief Head Warder, the question of petitioner's case being considered for promotion to the said post does not arise. That is what is exactly said by the respondents in the impugned order.



8. In the light of the above, this Court does not find any merit in the writ petition and the same is accordingly dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

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dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

- 1.The Principal Secretary to Government
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