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W.A. No.104 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A. No.104 of 2023
and
C.M.P.No.1072 of 2023

1. Government of Tamil Nadu
represented by its Principal Secretary,
Department of Commercial Taxes and
Registration,
Secretariat, Chennai.

2. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

3. District Collector, Registration Department,
Chengalpattu. ... Appellants

vs.

M. Selvakumaran
Sub Registrar,
Thiruporur,
Kanchipuram District

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent

praying to set aside the order dated 12.02.2020 made in W.P. No.27855 of



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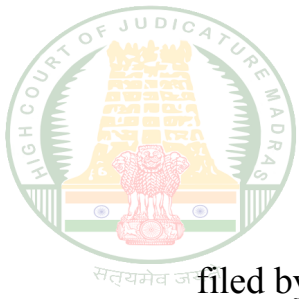
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For Appellants : Mr. Stalin Abhimanyu,
Additional Government Pleader.

JUDGMENT

(Judgment of the Court was made by P.DHANABAL,J.)

This Writ appeal has been preferred as against the order passed by the learned single Judge in W.P. No.27855 of 2011, wherein the respondent herein has filed a Writ petition to quash the order passed by the 2nd appellant herein vide proceedings in Letter No.30627/A1/2011-1 dated 26.09.2011 and consequently, direct the 2nd appellant to include the name of the respondent, above his junior, whose name finds place at Sl. No.43 of the seniority list published by the 2nd appellant vide their proceedings in No.15111/A1/2011-1 dated 23.06.2011 and further direct to the 2nd appellant to extend all the promotional avenues and attended benefits at par with his junior at Sl. No.43 of the 2nd appellant's proceedings dated 23.06.2011. After hearing both sides, the Writ Court allowed the Writ petition and directed the appellant to consider the respondent for promotion by including in the panel for the year 2011-12 on par with his immediate junior and accord him all further promotions with monetary and all other attendant benefits within a period of 12 weeks from the date of receipt of a copy of the order. Aggrieved by the said order, the present appeal has been



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filed by the Government.

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2. **The short facts necessary to dispose the Writ appeal are as follows:-**

The respondent herein was working as Sub Registrar Grade-II. He passed his SSLC examination during March 1982 and higher secondary on 07.06.1984. He joined Indian Air Force on 18.02.1986 as Combatant member through competitive selection as Air Craft Technician in Mechanical stream. He had put into 20 years of service and was discharged with effect from 01.03.2006. He had completed the training as Weapon Fitter and was issued a certificate on 27.02.2006 through Official Memorandum No.15012/8/82-Estt.(D) and Pension (D) Government of India, Ministry of Personnel, Public Grievances and Pension (Department of Personal and Training) New Delhi dated 12.02.1986 Sub Rule(4). As per the above rule, a matriculate Ex-Serviceman who has put in 15 years of service shall be considered for appointment to the Group C post for which essential qualification is graduation. Therefore, the qualification of the respondent was considered as graduation as per the above official memorandum. In the meantime, the appellant applied for Combined Services Examination 2017 conducted by TNPSC and got selected. He was posted as Sub-Registrar, Grade-II. Thereafter, his probation was also



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declared and confirmed in the said post. The next promotional post of Sub-Registrar Grade-II is Sub-Registrar, Grade-I. The eligibility for being considered to the post of Sub-Registrar, Grade-I is merit and ability and passing the departmental tests. The appellant had passed all the examinations and is fully eligible to be considered for promotion. However, 1st respondent published a panel of persons fit for promotion to the post of Sub-Registrar Grade-I on 23.06.2011. The respondent's name was not included in the panel. Therefore, he made a representation dated 28.06.2011 and subsequently, on 01.08.2011. The authorities replied that those who have obtained Post-Graduate degree through open university without passing the basic degree cannot be considered as possessing a Post Graduate Degree for appointment to public service as per G.O. Ms. No.116 P & AR Department dated 18.08.2010. Since the respondent acquired post graduate degree through Open University, his name was not included in the panel. Challenging the above said order, the respondent herein filed a Writ petition before the Writ Court. The Writ Court after considering both sides' arguments, allowed the Writ petition. Aggrieved by the said order, the present Writ petition has been preferred by the department.

3. The learned counsel appearing for the appellant would submit that



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the respondent was appointed as Sub-Registrar through selection conducted by TNPSC in the year 2017 and he was appointed as Sub-Registrar, Grade-II and he studied upto higher secondary and thereafter, he joined Indian Air Force and he was discharged from service in the year 2006. As per G.O. Ms No.116 P & AR Department dated 18.08.2010, those who have obtained Post-Graduate degree through Open University without passing the basic degree cannot be considered as pursuing Post Graduate degree for appointment of public service. The respondent herein, has not completed his degree and he obtained degree through open University. Therefore, his name was not included in the selection panel. However, the learned single Judge without considering the above said Government order and without considering the basic qualification, allowed the Writ petition. Therefore, this Writ appeal has to be allowed.

4. This Court heard the petitioner's side and perused the records.

5. It is an admitted fact that the respondent was selected through TNPSC for Combined Subordinate Services Examination in the year 2017 and he was posted as Sub-Registrar Grade-II. From the year 2017, he has been serving as Sub-Registrar, Grade-II. While so, the 2nd appellant

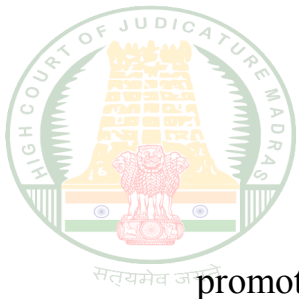


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prepared panel list for the promotion post of Sub-Registrar, Grade-I. The eligibility criteria for Grade-I Sub-Registrar is that (a) the probation of Sub-Registrar Grade-I has to be completed at the stipulated period and (b) passing of the following department tests / examination conducted by the Tamil Nadu Public Service Commission - (i) The Registration Act, 1908 (Group-I, Part-I), (ii) The Tamil Nadu Registration Manual (Group-I, Part-II), (iii) The Stamp Act, 1899 (Group-II), (iv) Miscellaneous Acts (Group - II), (v) The Tamil Nadu District Office Manual, (vi) Third Language Test (vii) The Account Test for sub-ordinate Officers Part-I and (viii) The Account test for Executive Officers (For the promotion to the post of District Registrar).

6. Admittedly, the respondent has passed all the examinations and therefore, he is eligible for promotion to the post of Sub-Registrar, Grade-I. The Government has not taken any steps for non-possession of qualified education for the post of Sub-Registrar, Grade-II and the same has not been challenged. While so, the Government cannot deny promotion on the ground that he acquired Post Graduate degree through Open University without possessing basic degree. Now, the Government has to see whether the respondent is eligible for the promotion as per the rules prescribed for



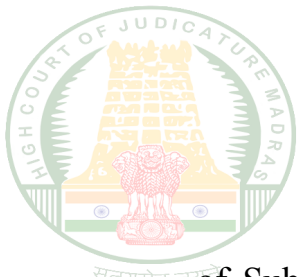
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promotion from Grade-II to Grade-I.

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7. Admittedly, the eligibility criteria for Grade-I Sub Registrar is that merit and ability and passing the departmental tests. It is not the case of the appellants that for the promotion of Sub-Registrar Grade-II to Grade-I, a person who appointed as Sub-Registrar Grade-II has to complete basic degree and as per the eligibility criteria fixed by the Government, the respondent is eligible. Once the respondent was selected as Sub-Registrar Grade-II, the Government cannot decline to grant promotion on the ground that his educational qualification is not eligible with for the post of Sub-Registrar Grade-I, which is the 'feeder' category. Therefore, this Court unable to accept the arguments of the learned counsel appearing for the appellants.

8. The learned single Judge in the Writ petition, discussed about all the above facts and fairly came to a conclusion that as per Section 27 in Volume III of Tamil Nadu Services Manual, it is made clear that appointment to the post of Sub-Registrar Grade-I shall be by promotion from Sub-Registrar Grade-I and by recruitment by transfer from among the holders of posts of Assistant in the Registration Department. The manual does not prescribe any educational qualification for promotion to the post



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of Sub-Registrar Grade-I. Further, as per O.M. No.15012/8/82-Estt. (D) Government of India, Ministry of Personnel, Public Grievances and Pension (Department of Personal and Training) New Delhi dated 12.02.1986, it is specifically mentioned that a matriculate Ex-service men who has put up in 15 years of service shall be considered as a Graduate. Moreover, as per G.O. Ms. No.121, P & AR (Per. R) Department dated 21.04.1993, it was further clarified that in respect of individual for appointment in Neyveli Lignite Corporation Limited, in G.O. Ms. No.106, P & AR (Per. R) Department dated 11.06.1999, the Government has taken a decision to accept the recommendation of a committed appointed for this purpose and decided to accept and directed for automatic acceptance of equivalence of various Military trades with that of the Civil Trades as published by the Government of India and recognized the course trade for the purpose of employment in Public services in the State.

9. Further, the learned single Judge referred about G.O. Ms. No.77 Public (Ex-Servicemen) Department dated 23.01.2018 and as per the said order, the Government has decided to accept the proposal of Director of Ex-servicemen Welfare, Chennai and accordingly, directed that for appointment in any reserved vacancy in Group C Post, the matriculate Ex-



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servicemen who has put in not less than 15 years of service in Armed Force of the Union shall be considered eligible for appointment for the post for which the essential quaification prescribed is graduate and they are all eligible for promotion to all Group A and Group D posts in routine course excepting for those posts for which graduation is prescribed as prescribed qualification for promotion.

10. Therefore, the above said order passed by the learned single Judge in the Writ petition is a well considered and well reasoned order. Therefore, there are no grounds to interfere with the order passed by the Writ Court.

11. In view of the above said discussions, this Court is of the opinion that this Writ appeal has no merits and deserves to be dismissed at the admission stage itself.

12. Accordingly, the Writ Appeal is dismissed. No costs. The connected miscellaneous petition is closed.

(R.S.K.J.) & (P.D.B.J)

17.07.2025

mjs

Internet : Yes



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Index: Yes/No

Neutral Citation: Yes/No

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R. SURESH KUMAR,J
and
P.DHANABAL,J

(mjs)

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