



W.P.No.27172 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 19.03.2025

CORAM :

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.27172 of 2024
& W.M.P.No.29676 of 2024

J.Mariyappan,
S/o, Jayaraman,
Now residing at No.421/3 Kaviya Nagar
Near Ramesh Motors Show Room,
BaluChetty Chatram,
Kanchipuram-631551 and

Now Serving as Assistant,
Office of the Director of Government Examinations,
Chennai-600006 ... Petitioner

vs.

1. The Director of Government Examination,
DPI Complex,
Chennai - 600 006.

2. The Joint Director (Personnel),
Directorate of Government Examination,
DPI Complex,
Chennai - 600 006.

3. The Assistant Director,
Office of Assistant Director of Government Examinations,
Sivagangai. ... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records related to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.000389/A4(A1)/2019 dated 01.12.2022 and to quash the same and consequently, direct the respondents to restore the petitioner's probation declaration as completed on 26.2.2021 as initially declared in the proceedings of the 3rd respondent dated 17.10.2022 and Re-fix the petitioner's seniority based on the correct probation completion date of 26.02.2021 and Grant all associated benefits, and any other entitlements that were unjustly denied due to the incorrect revision of the probation date.

For Petitioner : Mr.J.Prakasam

For Respondents : Mrs.S.Mythereye Chandru,
Special Government Pleader, for R1 to R3

ORDER

This Writ Petition has been filed in the nature of Certorarified Mandamus seeking records relating to an order passed by the 3rd respondent, Assistant Director, Office of Assistant Director of Government Examinations, Sivagangai, dated 01.12.2022 and quash the same and direct the respondents to restore the date of probation of the petitioner on and from 26.02.2021 as originally declared in the proceedings of the very same third respondent on 17.10.2022. The



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petitioner seeks re-fixation of seniority accordingly.

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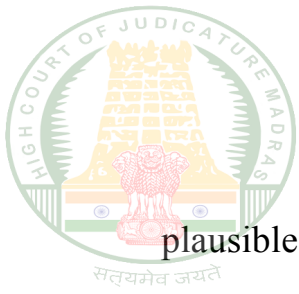
2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner had joined as Junior Assistant on 21.02.2019 and joined duty on 27.02.2019. He had completed his Departmental Examination on 13.06.2019. He then got married on 14.02.2022. It was an inter caste marriage and since he was posted at Sivagangai, he feared the safety of his life. The petitioner belongs to Backward Class community while his wife belongs to Scheduled Caste Community. Therefore, the petitioner went on leave from 14.02.2022 till 22.02.2022 and later, extended it till 01.03.2022. This leave was regularised as earned leave. The petitioner was then deputed to go over for foundational training and the place was determined at Sivagangai. The petitioner was directed to attend the training on and from 25.02.2022. The petitioner was already on leave. The petitioner already feared his life and the petitioner did not want to go over Sivagangai for his foundational course. Later, the petitioner was again deputed to go to the foundational course on and from 12.07.2022 and he completed the course on 01.09.2022. As on date, the petitioner has completed all the requirements for his probation to be declared.



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3. The 3rd respondent initially declared the probation with effect from **WEB 26.02.2021**. By the impugned order, however, the 3rd respondent had revised that particular leave to 02.09.2022. The effect would be that the petitioner would be placed junior in rank and his services would therefore be affected. The petitioner contends that a plausible reason had been advanced by him for not attending the foundational course at Sivagangai on 25.02.2022 and that the impugned order had been issued without prior notice. The writ petition has thus been filed.

4. With respect to the second contention raised, namely that the impugned order was passed without prior notice, a perusal of the impugned order and the reference letters stated in the impugned order shows that there is no reference showing that notice was issued to the petitioner prior to revision, revising the date of probation from 26.02.2021 to 02.09.2022. The 3rd respondent had already declared probation on and from 26.02.2021. Therefore, the petitioner had a legitimate expectation to ensure that his seniority must be determined on the basis that the probation was declared as on 26.02.2021. When that particular date is revised, it is only appropriate that the petitioner was put on notice. Even otherwise, the reason given for the petitioner, which is the first ground raised, is



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plausible. The petitioner had married on 14.02.2022 and it cannot be denied or disputed that the petitioner would have apprehension of the safety of himself and his wife, who belongs to a different caste. The respondents however directed that he must attend the foundational course training at Sivagangai on 25.02.2022 on a date when he had taken leave immediately after his marriage on 14.02.2022.

5. I hold that the said reason given by the petitioner is acceptable and should have been considered in its proper light by the respondents.

6. As a matter of fact, when the petitioner had applied for causal leave from 14.02.2022 to 22.02.2022 and later, sought extension to 01.03.2022, the respondent had granted the leave but had granted extraordinary leave and thereby, the continuity and service of the petitioner had not been affected. The respondent was therefore conscious of the fact that the petitioner's apprehension regarding safety were genuine and bonafide. The petitioner subsequently had completed the foundational course. During the course of his employment and within a reasonable time, he must complete the foundational course and he had completed it on 01.09.2022 just after three years. However, even in the first instance, it was after



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three years from the date of issuance of appointment order that he was directed to attend the foundational course training. The respondents had also not directed the petitioner to attend the training within a period of two years as required.

7. I hold that the reasons should have been viewed in the proper manner. The impugned order suffers and is accordingly set aside. The original order of the 3rd respondent declaring probation on and from 26.02.2021 is restored. The petitioner's seniority should be accordingly considered as if the probation had been declared on and from 26.02.2021.

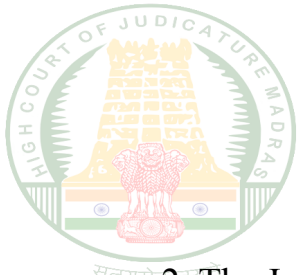
8. This Writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Neutral Citation : Yes/No.
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To,
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DPI Complex,
Chennai - 600 006.

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4. The Government Pleader, High Court, Madras.



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C.V.KARTHIKEYAN, J.

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