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W.P.No.29495 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

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THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

W.P.No.29495 of 2023

V.Vijendiran

: Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to
Government,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of School Education,
DPI Campus,
Chennai-600 006.

3.Joint Director of School Education (Personnel),
School Education,
DPI Campus,
Chennai-600 006.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the records connected with the impugned G.O. passed by the first respondent in G.O. (1D)No.90, School Education (Pa.Ka.4(2)(Department), dated 03.03.2016 and the consequential proceedings of the 1st respondent in Letter No.8964/Pa.Ka.4(2)/2018, dated 25.06.2018 and the impugned order passed by the third respondent in Mu.Mu.No.26466/A4/E1/2018, dated 11.12.2019 and quash the same and consequently direct the first respondent to declare the probation of the petitioner with effect from 04.11.2009, by conferring all consequential and monetary



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benefits, including annual increments and promotion as Assistant, in the year 2010, on par with his juniors.

For Petitioner : Mr.S.N.Ravichandran
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 03.03.2016 and the consequential proceedings dated 25.06.2018 and confirmed order passed by the third respondent dated 11.12.2019 thereby rejected the request made by the petitioner to change the date of declaration of probation period.

2. The petitioner was appointed as Junior Assistant on compassionate appointment and thereafter, his service was regularized with effect from 05.11.2007 by G.O.Ms.No.17 dated 27.02.2012. Because of delay in regularization of the petitioner's appointment, many juniors who were appointed after the petitioner's appointment got their probation declared successfully and they were placed in the panel for promotion to the post of Assistant even in the year 2010 itself. However, the petitioner was not considered to include in the panel for promotion to the post of Assistant since the petitioner's service was not regularized



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in the year 2010. Only by order dated 27.02.2012, the petitioner's service was regularized with effect from 05.11.2007. The petitioner had passed District Officer Manual test on 31.05.2008. However, before the regularization of his service, he was not sent for Bhavani Sagar training. Though the petitioner repeatedly made request sending him for Bhavani Sagar training, within a period of two years from the date of his initial appointment, he was not considered for training since his service was not regularized. After the order of regularization of his service, he was sent to Bhavani Sagar training only on 10.12.2014. He successfully completed the training and appeared for examination, he cleared the said examination on 22.02.2015. However, his probation was declared only with effect from 22.06.2015 and he was granted monetary benefit of annual increment only with effect from 23.06.2015. Therefore, he lost his promotion to the post of Assistant and also he lost monetary benefits. Hence, the petitioner submitted representation to declare his probation with effect from 04.11.2009 instead of 22.06.2015. However, it was not considered and rejected and confirmed by the appellate authority.

3. This issue already dealt with by this Court and confirmed by the Hon'ble Division Bench of this Court in W.P.No.35544 of 2016 by order dated 08.12.2023, wherein it was held as follows:



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“3. The issue is as to whether the Government can declare the probation of its employees with effect from the date of completion of Bhavani Sagar training and not on completion of two years from the date of his/her initial appointment, has come up for consideration before this Court in a batch of Writ Petitions, wherein it was held that the mistake on the part of the Government in not sending such an employee for the training in time, cannot be put against him and accordingly, had held that such a Government employee would be entitled for declaration of probation after completion of two years of service from the date of his initial appointment. In one such order passed in the case of T.Gunaseela Subramani and 2 others Vs. The Principal Secretary to Government, Commercial Taxes and Registration Department and others passed in W.P.(MD) No.15585 of 2018, dated 29.03.2021, this Court had held as follows:~

“2. The petitioners herein had undergone the foundational training at the Civil Service Training Institute at Bhavanisagar, Tamil Nadu, pursuant to which, their completion of probation was declared through G.O.(D) No.164 Commercial Taxes and Registration Department dated 30.04.2015. Subsequently, the first petitioner was promoted to the post of Assistant on 15.07.2015 and the second and third petitioners were promoted on 01.07.2015 and 13.11.2015 respectively.

3. The petitioners- declaration of probation came to be cancelled through the impugned government order in G.O.(D) No.83 Commercial Taxes and Registration Department dated 26.04.2018, predominantly on the ground that, the petitioners herein had not completed their foundational training within their two years



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of probation period, as required under Rule 32(a)(1) of the Tamil Nadu Ministerial Service Rules and that their probation requires to be declared from the day following their completion of the foundational training.

3. Rule 32(A)(1) of the Tamil Nadu Ministerial Service Rules reads as follows:~

□ 32 (A) (1) Every person appointed to a category by direct recruitment shall be on probation for a total period of two years on duty within a continuous period of three years. The individual in the cadre of Junior Assistant is eligible for promotion to the post of Assistant on satisfying the following conditions:~

- 1. His probation declared successful.*
- 2. His service should be regularized in the cadre of Junior Assistant.*
- 3. He should complete the foundational training at Civil Service Training Institute at Bhavanisagar, Tamil Nadu.*
- 4. He should successfully complete the departmental examination conducted by the Tamil Nadu Public Service Commission. □*

4. As per the aforesaid Rules, among other conditions, the probationer is required to complete the foundational training at Civil Service Training Institute, at Bhavanisagar, within the probationary period. As per Rule 26(A)(2) of the Tamil Nadu Ministerial Service Rules, the date of passing of the foundational training or



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departmental tests, is significant for declaration of probation. The said Rules reads as follows:~

□ 26 (A) (2) in cases where the passing of an examination or test confers on a Government Servant the title to any right, benefit or concession, such title should be deemed to have accrued on the day following the last day of the examination or test which he passed. In cases where the examination or test can be passed in installments, the title to the right, benefit or concession will be deemed to have accrued on the day following the last day of the examination in the subject or subjects in which he had passed. □

5. Admittedly, the mandatory foundational training at the Civil Service Training Institute at Bhavani Sagar was belatedly held and the petitioners were not deputed for the training, during their period of probation. Such a statement is ratified in the G.O.(D)No.164, Commercial Taxes and Administration Department dated 30.04.2015, as well as in the counter affidavit filed before this Court. The provisions of Rule 32 would apply to such probationers, who have been nominated to undergo their training during their period of probation, which is for a total period of two years on duty, within a continuous period of three years. When the petitioners were nominated for the training after more than four years, they cannot be expected to complete such training, as required under Rule 32(A) and therefore, the provision itself may not be applicable to these petitioners,



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particularly, when the lapse was on the part of the respondents.

6. Furthermore, there is no Rule to the effect that the training should not be completed in the second or subsequent attempts during the probation period. In other words, there is no bar for the probationers to undertake the tests in any number of attempts, within the probation period. This observation is made in the light of the counter averments of the respondents that these petitioners had completed the training in their second attempt only. Even otherwise, since the petitioners were deprived of an opportunity to participate in the training programme within their probation period, there may not be any justification on the part of the respondents to refer to the failure in completing the training at the first attempt.

7. Since there are no Regulations governing the declaration of probation for belated deputation to training, owing to administrative delays, the reference to Rule 26(A)(2) that the petitioners- declaration of probation will commence on the day following the completion of training, is unjustifiable and illegal. Consequently, the impugned Government Order cancelling the declaration of probation of the petitioners cannot be sustained.

4. The aforesaid order is self explanatory. As such, the impugned order declaring the petitioner-s probation with effect from 17.12.2013, cannot be sustained. Consequently, it requires to be held that the probation of



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the petitioner herein requires to be declared with effect from 30.03.2003, which is the date of completion of the two years period of probation.”

4. In view of the above, the orders impugned cannot be sustained and liable to be quashed. Accordingly, impugned orders dated 03.03.2016, 25.06.2018 and 11.12.2019 are quashed. The first respondent is directed to declare the probation of the petitioner as successful with effect from 04.11.2009 by conferring all consequential and monetary benefits including annual increment and promotion to the higher post on par with his juniors, within a period of 6 weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands allowed. No costs. Consequently, W.M.P.No.29119 of 2023 is closed.

25.11.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn



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To

1.The State of Tamil Nadu,
Represented by its Principal Secretary to
Government,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of School Education,
DPI Campus,
Chennai-600 006.

3.Joint Director of School Education (Personnel),
School Education,
DPI Campus,
Chennai-600 006.



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G.K. ILANTHIRAIYAN, J.

(mrn)

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