



WEB COPY



WP(MD)No.16081 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON
06.10.2025

PRONOUNCED ON
24.11.2025

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.16081 of 2025 &
WMP (MD).Nos.12177 & 12178 of 2025

C.Victor Amaladoss

... Petitioner

/vs./

- 1.The State of Tamilnadu,
Rep., by its Secretary to Govt.,
School Education Department,
Fort St., George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 006.
- 3.The Joint Director of School Education,
Personnel, College Road,
Chennai – 600 006.
- 4.The Chief Educational Officer,
Trichy District.
- 5.The District Educational Officer,
Lalgudi, Trichy District.
- 6.The Block Educational Officer,
Peravoorani Block,
Camp at Avanam,
Thanjavur District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings of the 1st respondent vide Letter No.8127/Pa.Ka.4(2)/2024, dated 11.10.2024 confirming the proceedings of the third respondent vide Na.Ka.No. 040513/A4/E3/2023, dated 15.03.2024 and quash the same.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.N.Satheesh Kumar, Additional Govt. Pleader

ORDER

This Writ Petition had been filed to quash the impugned proceedings of the first respondent, dated 11.10.2024 confirming the proceedings of the third respondent, dated 15.03.2024.

2. Heard Mr.VR.Shanuganathan, learned counsel appearing for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as a Typist through Tamil Nadu Public Service Commission and thereby joined the service as Typist at Gudalur District Education Office on 05.10.2009 and on 02.03.2012, the same was also regularised. By mutual transfer, the petitioner was transferred and posted to the



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office of the Chief Educational officer, Tiruchirappalli vide proceedings dated 10.12.2010. The petitioner's probation was also declared as successful on 09.06.2012 w.e.f., 04.10.2011. Thereafter, the petitioner was also promoted as Assistant on 23.04.2013 and is presently serving in the Lalgudi District Education. By proceedings dated 09.02.2019, it was claimed that a probation has been wrongly declared and the petitioner was wrongly promoted as Assistant as the petitioner had not passed the Computer on Office Automation (COA) Examination and hence, by proceedings dated 15.03.2024, the promotion granted to the petitioner was held to be irregular and orders were issued reverting the petitioner back to the post of Typist. He would submit that the petitioner having come to the knowledge that it was required to pass the COA examination, had also participated in the examination and had passed the necessary test even as early as on 09.08.2017. Therefore, he seeks indulgence of the orders impugned herein in this Writ Petition. In support of his contentions, he had also relied upon a judgment of the Division Bench of this Court made in W.A.No.1905 of 2021, dated 22.02.2022.

4. Countering his arguments, the learned Additional Government Pleader would submit that the petitioner was appointed in the year 2009 even before which under G.O.Ms.No.130, P&AR Department, dated 22.07.2008, Computer



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qualification had been made mandatory and in case of appointees without the said qualification, they would have to get themselves qualified within a period of 2 years from the date of appointment i.e., within the period of probation. Hence, the petitioner's probation itself has wrongly been declared without her being qualified with the COA examination. Placing reliance on Section 41 of the Tamil Nadu Government Servants (Conditions of Service) Act, particularly sub-Section (1), he would submit that the promotion granted from a category to which an appointment is made cannot also be granted until or unless, the appointee satisfactorily acquires the qualification. As the petitioner had not satisfactorily completed the probation and her probation having been declared erroneously, the petitioner had been reverted to the post of Typist, which she had originally been appointed. Hence, he prays this Court to dismiss the Writ Petition.

5. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

6. The petitioner had been appointed in the year 2009 and has also been declared to have satisfactorily completed the probation by proceedings in the year 2012 w.e.f., 04.10.2011. Thereafter, the petitioner had also been promoted as Assistant. A reliance had been placed on a Government Order in G.O.Ms.No.130,



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dated 22.07.2008, which mandated a qualification in COA awarded by the Technical Education Department, as an additional technical qualification for the post of Typist and Steno-Typist prior to the completion of the probation. The said Government Order also envisages that the Special Rules should also have been amended suitably. The amendment to the said Special Rules had been made on 03.01.2013 and the said amendment made in G.O.Ms.No.4, Personal and Administration Reforms Department was published in the Gazette notification of the Government on 20.02.2013. Hence, it is clear that the Special Rules which was sought to be amended in the Government Order of the year 2008 remained as a Government Order and the Special Rules had been amended only in the year 2013 and deemed to have come into force on 22.07.2008 i.e., the date of the Government Order in G.O.Ms.No.130. Such retrospective amendment of Special Rules cannot be put against the appointees such as the petitioner to contend that a qualification that is prescribed under the Special Rules will bind the appointees on the date of her appointment and any amendment to the Special Rules prescribing a higher qualification or an additional qualification on a subsequent date by giving retrospective effect to the said amendment cannot put an appointee, who had been in service to a disadvantageous position. Hence, the amendment to the Special Rules can only be said to be prospective and it cannot



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be applied retrospectively and in that aspect, the amendment would have to be read down as amendment to have a prospective effect and not retrospectively.

7. Admittedly, the petitioner had been appointed before the Special Rules have been amended. The said issue had also been dealt with by a Hon'ble Division Bench of this Court in a judgment relied upon by the learned counsel appearing for the petitioner, which has also taken the similar view, as taken by this Court supra.

8. For the aforesaid reasons, the Writ Petition stands allowed and the impugned order is set aside and the respondents are directed to revert back the petitioner to the post of Assistant and her seniority in the post of Assistant shall be counted from the date on which the petitioner was initially promoted as Assistant. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition are closed.

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Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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Pre-Delivery Order made in
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