



WEB COPY

W.P.No.5667 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2026

CORAM

**THE HONOURABLE DR. JUSTICE ANITA SUMANTH
and**

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.5667 of 2009

and

M.P.No.2 of 2009

K.Karthigeyan

... Petitioner(s)

Vs.

1. The Principal Secretary to the Government of Tamil Nadu,
Highways and Minor Ports (HK3) Department,
Fort St.George, Chennai – 9.

2. The Chief Engineer, State Highways,
Chepauk, Chennai.

3. The Divisional Engineer,
State Highways, Virudhunagar.

4. A.Nagarajan

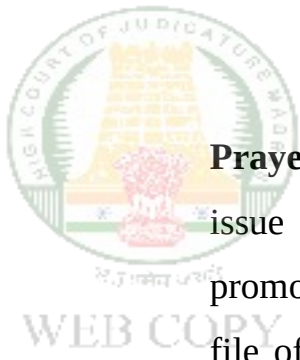
5. K.Thavasilingam

6. M.Marimuthu

7. K.Palani

8. M.Murugapandi

... Respondent(s)



W.P.No.5667 of

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari, calling for the entire records in pursuant to the promotion order No.Se.Mu.Ka No.2091/2008/Aa2 dated 25.09.2008 on the file of the third respondent and consequent amendment in G.O (Ms) No.16 dated 21.01.2009 on the file of the first respondent and quash the same.

For Petitioner(s) : Ms.Ranjani for Mr.T.P.Prabhakaran

For R1 to R3 : Mr.P.Ananda Kumar,
Government Advocate

For R4 to R8 : Mr.V.S.Jagadeesan for
Mr.R.Rangaramanujam

ORDER

(Order of the Court was made by **MUMMINENI SUDHEER KUMAR, J.**)

This writ petition has been filed seeking a writ of certiorari, calling for the records relating to and in connection with the order bearing Se.Mu.Ka.No.2091/2008/Aa2 dated 25.09.2008 issued by the third respondent and the orders issued by the Government in G.O.(Ms) No.16, Highways and Minor Ports (HK3) Department, dated 21.01.2009, and to quash the same.



2. The brief facts that are relevant for disposal of this writ petition are as under:-

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2.1. The petitioner herein, who was appointed as 'Salai Panialar (Trainee Gang Mazdoors)' through proceedings dated 29.10.1997, was confirmed in the said post on 10.11.1998. Thereafter, when a panel was prepared for promotion to the post of 'Road Inspector, Grade-II' from the post of 'Salai Panialar' through proceedings bearing Se.Mu.Ka.No.2091/2008/Aa2 dated 25.09.2008, the petitioner claimed to have raised an objection against the said panel insofar as the inclusion of the names of the respondents 4 to 8 herein is concerned, on the ground that they do not possess the minimum educational qualification of 'Pass in X Standard' so as to be eligible for promotion to the post of 'Road Inspector, Grade-II'.

2.2. According to the petitioner, in terms of the amendment made to the relevant rules through G.O (Ms) No.193, Highways & Minor Ports (HK3) Department, dated 01.08.2008, in order to be eligible for promotion, one must possess the qualification of 'Pass in X Standard' from a recognized school. But, the respondents 4, 5, 7 and 8, at the time of their initial appointment in the post of 'Salai Panialar', had disclosed their educational qualification as 'Fail in X Standard', and whereas the sixth respondent herein disclosed his



qualification as 'VI Standard'. In view of the same, the petitioner assumed that the respondents 4 to 8 does not possess the requisite qualification of 'Pass in X Standard' so as to be eligible for promotion to the post of 'Road Inspector, Grade-II'.

2.3. Having failed to get any response on the representation/ objections of the petitioner made before the respondents 1 to 3, the petitioner earlier approached this court by filing W.P.No.23231 of 2008. While the said representation was pending, the third respondent issued proceedings dated 25.09.2008, promoting the respondents 4 to 8 to the post of 'Road Inspector, Grade-II'. It was thereafter, the educational qualification that was prescribed through G.O (Ms) No.193, Highways & Minor Ports (HK3) Department, dated 01.08.2008, was further amended by issuing G.O (Ms) No.16, Highways and Minor Ports (HK3) Department, dated 21.01.2009, amending qualification for the post of 'Road Inspector, Grade-II', the same as 'must have passed X Standard Examination from a recognized school or its equivalent examination duly recognized by the Government of Tamil Nadu', with retrospective effect.

2.4. It was thereafter, the petitioner, with an understanding that the said



G.O (Ms) No.16, Highways and Minor Ports (HK3) Department, dated 21.01.2009, was issued only with a view to make the respondents 4 to 8 herein eligible for promotion to the post of 'Road Inspector, Grade – II', filed the present writ petition challenging the orders of promotion dated 25.09.2008 as well as the orders issued by the Government in G.O (Ms) No.16, Highways and Minor Ports (HK3) Department, dated 21.01.2009.

3. The core contention of the petitioner is that the respondents 4 to 8 are having the qualification of 'X Standard', presumably through Open University, as they do not possess the said qualification as on the date of their appointment and confirmation in the post of 'Salai Panialar'. As seen from the Ground (c) raised in the writ petition, it is amply clear that the present writ petition has been filed basing upon a presumption that the qualification of 'X Standard' acquired by the respondents 4 to 8 is only through Open University.

4. In response to the notice issued by this Court, the respondents 1 to 3 and the respondents 4 to 8 filed their respective counter-affidavits.

5. From the perusal of the counter-affidavit filed by the respondents 1 to 3, it is evident that the respondents 4, 5, 7 and 8 who possessed the



certification of 'X Fail' at the time of their initial appointment as 'Salai Panialar', have subsequently appeared for exam in respect of the failed subjects and passed in X Standard. Insofar as the sixth respondent is concerned, the respondents 1 to 3 have stated that he passed the 'VI Standard' at the time of his initial appointment as 'Salai Panialar' and subsequently he passed 'VIII Standard' in December, 1999 and 'X Standard' in June, 2004 under Open School System, which is a recognized as equivalent to the certificate issued by the Director of Government Examinations at the end of 'X Standard Examination' conducted by the Government of Tamil Nadu for the purpose of minimum general qualification for employment in public services in Tamil Nadu, as per G.O (Ms) No.308, P&AR Department, dated 07.04.1987 etc.

6. It is also further stated that all the certificates that were produced by the respondents 4 to 8 were also sent for verification to the Director of Government Examinations, Chennai, and got the confirmation as to the genuineness of the said certificates produced by the respondents 4 to 8. As against the said specific averments made in paragraphs 4 to 6 of the counter-affidavit filed by the respondents 1 to 3, the petitioner has not chosen to file any rejoinder affidavit contradicting the said averments. In the absence of any



contradiction of the stand of the respondents 1 to 3, there is nothing before this court not to accept the same. If the said averments are taken as true, the entire basis for filing the writ petition falls to the ground.

7. As already noted above, the present writ petition has been filed only on a presumption that the 'X Standard' qualification acquired by the respondents 4 to 8 is from Open University, but the same was found to be false from the averments made in the counter-affidavit filed by the respondents 1 to 3. In the light of the above, we do not find any error or illegality in the impugned order of promotion dated 25.09.2008 issued by the third respondent, promoting the respondents 4 to 8 to the post of 'Road Inspector, Grade-II'.

8. Then coming to the challenge to the orders issued in G.O (Ms) No.16, Highways and Minor Ports (HK3) Department, dated 21.01.2009, is concerned, the same is sought to be challenged on the premise that the same was issued only with a view to save the promotions of the respondents 4 to 8. On examination of facts and above conclusions arrived at by this court, the stand of the petitioner on this aspect also is found to be factually incorrect. The main objection to the said orders issued in G.O (Ms) No.16, Highways



and Minor Ports (HK3) Department, dated 21.01.2009, is on the ground that the same ought not to have been given retrospective effect. Absolutely, there is no embargo or restriction on the power of the Government to amend a rule or qualification with retrospective effect. The only restriction or sustainable objection would be that any rights that are accrued cannot be taken away by making a retrospective amendment either to the rule or to the qualification criteria. In the instant case, it is not even the case of the petitioner that any of his accrued rights are taken away by giving retrospective effect to the impugned Government Order. Even otherwise, the amendment is only to the effect that all other qualifications which are treated as equivalent to 'Pass in X Standard' are also to be brought within the purview of qualification criteria for the post of 'Road Inspector, Grade-II'. The same cannot be said to be an amendment made with any *malafide* intention or to take away any of the accrued rights of any person. Therefore, the challenge to the orders issued in G.O (Ms) No.16, Highways and Minor Ports (HK3) Department, dated 21.01.2009, also cannot be sustained.

9. Be that as it may, in the entire affidavit filed in support of the writ petition, the petitioner did not even choose to state that he do possess the qualification of 'Pass in X Standard' as on the date of filing of the writ



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petition. In the absence of the same, and in the absence of any material particulars being furnished as to how the petitioner is being affected, this writ petition is to be treated as the one filed in public interest, which we are not inclined to entertain. On this ground also, this writ petition is liable to be dismissed.

10. However, at the conclusion of the hearing, it was brought to our notice that the petitioner himself was also promoted to the post of 'Road Inspector, Grade-II' vide proceedings bearing Se.Mu.Ka.No.2452/2025/Aa2/ dated 12.11.2025, and he has also joined the said post and working as such as on date.

11. In the circumstances, we do not find any reason to interfere with the impugned orders and accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

(Dr.A.S.M.,J.) (M.S.K.,J.)
20.01.2026

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No



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Dr.ANITA SUMANTH, J.
and
MUMMINENI SUDHEER KUMAR, J.

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To

1. The Principal Secretary to the Government of Tamil Nadu,
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