



WEB COPY

WP No. 15903 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 15903 of 2025

and W.M.P.Nos.17991 & 17992 of 2025 & 882 of 2026

B. Vivekanandan

..Petitioner(s)

Vs

1. The Secretary to the Government of
Tamil Nadu,
Tourism, Culture and Religious Endowments
Department,
Secretariat, Chennai-09.
2. The Managing Director,
Tamil Nadu Tourism Development Corporation
Limited,
Tamilnadu Tourism Complex,
No.2, Wallajah Road (Near Kalaivanar
Arangam),
Chennai-02.
3. The General Manager,
Tamil Nadu Tourism Development Corporation
Limited,
Tamil Nadu Tourism Complex,
No.2, Wallajah Road (Near Kalaivanar
Arangam)
Chennai-02.
4. S.Karthick
5. R.Khadar Hussain
6. A.Edith Asha

..Respondent(s)



Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in respect of the impugned orders/Memo:0737/A2/2023 dated 23.08.2024, rejecting to include the petitioner's name in the panel for promotion to the post of Assistant for the year 2024 issued by the 3rd respondent and declaring the probation of the petitioner issued in proceedings No.3126/A2/2024 dated 30.08.2024 issued by the 3rd respondent and quash the same and direct the 3rd respondent to declare the probation of the petitioner on 10.07.2023 in the post of Junior Assistant and promote the petitioner as Assistant Along with his juniors.

For Petitioner(s) : Mr.R.Ramachandran

For Respondent(s) : Mr.R.U.Dinesh Raj Kumar, AGP for R1

Mr.T.K.Saravanan for R2

Mr.S.Muthuraman for R4 to R6

ORDER

This writ petition is filed to call for the records in respect of the impugned orders/Memo:0737/A2/2023 dated 23.08.2024, rejecting to include the petitioner's name in the panel for promotion to the post of Assistant for the year 2024 issued by the 3rd respondent and declaring the probation of the petitioner issued in proceedings No.3126/A2/2024 dated 30.08.2024 issued by the 3rd respondent and quash the same and direct the 3rd respondent to declare the probation of the petitioner on 10.07.2023 in the post of Junior Assistant and promote the petitioner as Assistant Along with his juniors.



2. Learned counsel for the petitioner would submit that the petitioner has appointed as Junior Assistant in the second respondent's organization on compassionate grounds on 22.06.2018. As per the stipulation, the petitioner should pass the certificate course in Computer on Office Automation (herein after referred as "COA") on or before 22.06.2020. However, due to Covid-19 pandemic, the COA examination for the year 2020 was not conducted. Therefore, the petitioner has applied for COA examination on 22.04.2021, which was also cancelled. Thereafter, the petitioner has participated in the COA examination conducted in the year April 2022 and also passed the same. Though the petitioner was appointed on consolidated pay in the year 2018, he was brought into time scale of pay only from 24.04.2022 i.e., the date on which he has passed the COA examination and his probation was declared only on 15.05.2024.

3. Learned counsel for the petitioner would further submit that as per Rule 2.4(3) of Tamil Nadu Tourism Development corporation's Service Rules and Regulation 1998, "An employee should complete two years of probation period in a particular post satisfactorily to be considered for promotion to next higher post." However, without applying the said rule, the third respondent vide proceedings dated 15.03.2024 had published the panel for promotion to the post of Assistant for the year 2024 by including the petitioner's juniors viz., respondents 4 to 6, leaving the petitioner on the pretext that he has not



completed the probation in the cadre of Junior Assistant on the date of drawal of said panel, which is misconceived. Initially, the petitioner entered the service in the year 2018. Immediately thereafter, the respondents ought to have conducted the COA examination. But the said examination was not conducted due to Covid-19 pandemic. However, the petitioner has passed the COA examination in the year April 2022. Despite passing, his probation was declared only in the year 2024, which is not sustainable. For not conducting COA examination at that relevant point of time cannot put against the petitioner. Accordingly, he prayed for appropriate orders.

4. Learned Additional Government Pleader appearing for the respondents would submit that the Department of Technical Education has conducted the COA theory exam on 04.01.2020 and practical exam on 06.01.2020. Further, the department of Technical Education has conducted three requisite qualification i.e., COA exams from 22.06.2018 (i.e., petitioner's date of joining) to January 2020 for all the eligible candidates. It is pertinent to note that the petitioner has applied for COA examination only on 22.04.2021, which is way behind his stipulated time limit, which shows that he has not followed the order to possess the requisite qualification within two years and not utilized his opportunity to complete COA after three examinations from the date of joining.

5. Learned Additional Government Pleader appearing for the respondents



would further submit that as per Tamil Nadu Tourism Development Corporation Limited Service Rules, the petitioner has to serve his two year probation period from the date of fixation of his time scale of pay i.e., with effect from 24.04.2022. Since he has not completed his two years probation period, he was not eligible to be included in the panel for promotion to the post of Assistant.

6. Heard the learned counsel on either side and perused the materials available on record.

7. The facts in the present case are not in dispute. Admittedly, the petitioner was temporarily appointed in the Tamil Nadu Tourism Development Corporation as a Junior Assistant on compassionate ground on 22.06.2018 and thereafter, the petitioner was drawn into time scale of pay with effect from 24.04.2022. The claim of the petitioner is that as per the Service Rules, he had passed the COA examination pursuant to the notification issued by the respondent. Since then, his time scale of pay was fixed from 24.04.2022 and probation was declared on 15.05.2024, due to which, the petitioner's name was not included in the panel for promotion to the post of Assistant.

8. The petitioner claimed that the COA examination was conducted prior to his time scale of pay, and the notification was issued only on April 2021, and immediately after the notification, the petitioner made application on



22.04.2021 for participating in the COA examination. The grievance of the petitioner is that prior to that, no notification was issued by the respondent for conducting COA examination. Thereby, the petitioner had not made application prior to 2021, and all those examinations were postponed due to Covid-19 pandemic.

9. However, the counter affidavit reveals that the Department of Technical Education has conducted three requisite qualification i.e., COA examination from 22.06.2018 (i.e., petitioner's date of joining) to January 2020 for all the eligible candidates and the notification dates are 05.10.2018, 22.05.2019 and 18.11.2019. It is pertinent to note that prior to his application dated 22.04.2021, there were three examinations conducted by the respondents and the Covid-19 pandemic starts only from March 2020. Hence, the grievance expressed by the petitioner for not participating in the examination is misconceived. As per Rule 2.4(3) of Tamil Nadu Tourism Development corporation's Service Rules and Regulation 1998, "An employee should complete two years of probation period in a particular post satisfactorily to be considered for promotion to next higher post." Since the petitioner was appointed in the substantial post on 24.04.2022, he has to serve his two year probation period from the date of fixation of his time scale of pay i.e., 24.04.2022, after which, the respondents have declared the probation on 15.05.2024, immediately after the completion of two years. Since the



respondents 4 to 6 have completed their COA examination as well as probation prior to the petitioner, their names were placed above the petitioner. Hence, the grievance expressed by the petitioner in the writ petition is misconceived.

In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

27-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VM

To:

1. The Secretary to the Government of Tamil Nadu,
Tourism, Culture and Religious Endowments Department, Secretariat,
Chennai-09.
2. The Managing Director,
Tamil Nadu Tourism Development Corporation Limited,
Tamil Nadu Tourism Complex,
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M.DHANDAPANI, J.

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