



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 18757 of 2026

M.Manikandan
S/o. K. Muthaiya,
No.4/105, Kakkan Street,
Santhoshapuram,
Chennai-600 073.

..Petitioner(s)

Vs

1. Government of Tamil Nadu
Rep. by its Secretary,
Handloom, Handicrafts, Textiles and Khadi
Department,
Fort St. George,
Chennai-600 009.
2. The Chief Executive Officer
Tamil Nadu Khadi and Village Industries
Board,
Chennai House 1st Floor,
Chennai-600 104.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the concerned records from the 2nd Respondent, quash the order of the 2nd Respondent dated 25.06.2024 bearing Rc.No.7002/E1(1)/2022 as illegal, arbitrary and contrary to law in so far as not extending the relaxation based on G.O.(Nilai) No.1120, Personnel and Administrative Department Reforms (Pani-M) dated 30.10.1984 and G.O.(Nilai) No.41, Human Resources (S) Department dated 09.05.2023 and consequently direct the Respondents to include the name of the petitioner in the panel of Assistant Director (Khadi and Village Industries) for the year 2022 and promote the petitioner in the said post from



31.03.2023 being the date when his immediate juniors were promoted with all consequential and monetary benefits.

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For Petitioner(s): Mr.Balan Haridas

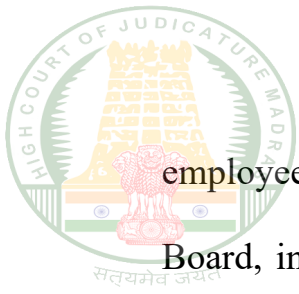
For Respondent(s): Mr.K.Sathish, Government Advocate for R1
Mr.C.Rajakumar, Standing Counsel for R2

ORDER

Challenging the order passed by the second respondent the petitioner is before this Court.

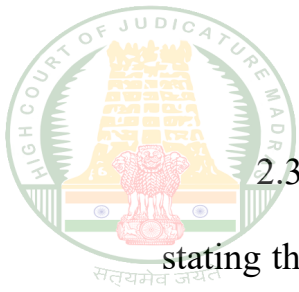
2. The petitioner would contend that he had joined the second respondent Board as a Helper on 27.09.1982 as a daily wager. Thereafter, on 28.10.1987, he was appointed as Helper Grade I and promoted as Junior Assistant on 01.01.1994 on temporary basis. He was regularized in the said post on permanent basis from the year 1999. He would further submit that he had been promoted to the post of Assistant in the year 2011 and to the post of Superintendent in the year 2017. His next avenue of promotion is to the post of Assistant Director.

2.1. The avenue of promotion to the post of Assistant Director is from three wings viz., Khadi Wing, Ministerial Wing and Village Industries Wing. The petitioner falls under the Ministerial Wing. The criteria for promotion from the post of Superintendent to the post of Assistant Director is that the concerned



employee should have rendered 12 years of service in the second respondent Board, in which, he should have rendered not less than 5 years in the post of Superintendent and should have passed the Accounts Test for the Subordinate Officers.

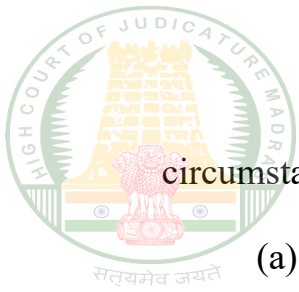
2.2. It is the further case of the petitioner that he had appeared five times for the Accounts Test conducted by the Tamil Nadu Public Service Commission and failed at all attempts. He would submit that the Government under G.O.(Nilai) No.1120, dated 30.10.1984, had stipulated that if the employee is 53 years old and had attempted to pass the Departmental Exams and failed and when the request is made for relaxation, the same should be considered. Therefore, the petitioner is eligible to be promoted to the post of Assistant Director by providing the above relaxation. However, the same was not considered by the respondents and the second respondent had prepared the panel, in which, the petitioner's name was not included. However, two of his juniors were included and promoted on 31.03.2023. One of them viz., Nahalingam was promoted on 31.03.2023 and retired on the very same day. The petitioner was, therefore, constrained to file a writ petition in W.P.No.10291 of 2025 for a direction to the respondents to consider his representation to include his name in the panel for promotion. The said writ petition was disposed of by an order dated 03.04.2023 directing the respondents to take decision on the representation of the petitioner.



2.3. However, the second respondent has passed the impugned order stating that the petitioner has not qualified for the post of the Assistant Director as he had not passed the Accounts Test for the Subordinate Officers, Part-II or Account Test for Executive Officer as prescribed in the Board Service Regulations and Board Proceedings dated 27.07.1987 and 31.03.2017. The other reason for rejecting the representation was on the ground that no person junior to the petitioner was included in the panel for the year 2022-2023 for promotion to the post of the Assistant Director and that the petitioner was not eligible for want of qualification. Having said this, the order further stated that the issue concerning the petitioner was placed before the 199th Meeting of the Board held on 04.01.2024 and it was resolved that the relaxation under G.O. (Nilai) No.1120, *supra*, shall be extended to the petitioner from the Service Regulation and an amendment has to be made in the Service Regulation and recommendation has to be made to the Government for approval. Aggrieved by this order, the petitioner is before this Court.

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

4. The government order in G.O.(Nilai) No.1120, *supra*, pertains to the relaxation to be given to the government employee who had not passed the Departmental Exams. The government order provided the following



circumstances under which the relaxation would granted;

(a) the government employee should not be less than 53 years of age;

(b) he must have attempted to clear the exams at least on five occasions and the same should be reflected in his Service Register or the request must be accompanied by the hall tickets;

(c) the authorities should be satisfied with the documents provided;

5. Admittedly, the petitioner had completed 53 years of age and had unsuccessfully attempted to clear the Departmental Exam five times. Therefore, he squarely falls within the exemption set out in G.O.(Nilai) No.1120, *supra*. This factum was not at all been taken into consideration in the impugned order and the rejection is on the ground that the exemption cannot be granted as Regulations had to be amended and approved by the government.

6. A mere reading of G.O.(Nilai) No.1120, *supra*, does not indicate that the Regulations have to be amended and approved by the Government. The Division Bench of this Court in W.A.No.228 of 2017 was considering the application for exemption submitted by the petitioner therein by relying upon G.O.(Nilai) No.1120, *supra*, wherein, has observed as follows:

“5. There is no dispute that the crucial date for inclusion of the name in the panel for the post of Assistant for the year 2011-2012 was 15.03.2011. It is



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also not in dispute that the appellant completed 53 years of age as on 09.03.2011. The Government issued the order in G.O.Ms.No.1120 dated 30.10.1984 to assist the Government servants who have completed the age of 53 years and failed in the Departmental Test by appearing at least five times. It is a matter of record that the appellant appeared for the Departmental Test on five occasions; but, however, he was not successful. It is also not in dispute that the appellant completed 53 years as on 09.03.2011. He was therefore, eligible for exemption under the Government Order in G.O.Ms.No.1120 dated 30.10.1984.

6.The Government granted relaxation to the appellant and considered his case for promotion for the year 2013-2014 by including his name in the panel year 2013-2014.”

The facts of the above case are similar to the case on hand and therefore, the dicta laid down by the Division Bench of this Court in the above W.A.No.228 of 2017 by an order dated 07.02.2018 would apply squarely to the case on hand. Accordingly, the writ petition is allowed as prayed for. No costs.

10-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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P.T.ASHA, J.

ssa

To

1.Secretary,

Government of Tamil Nadu

Handloom, Handicrafts, Textiles and Khadi Department,

Fort St. George,

Chennai-600 009.

2.The Chief Executive Officer

Tamil Nadu Khadi and Village Industries Board,

Chennai House 1st Floor,

Chennai-600 104.

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