



WEB COPY

WP No. 10192 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

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

**WP No. 10192 of 2024
& WMP.No.11242 of 2024**

K.Gopal
S/o. Krishnasamy,
No. 5/1, Kannimar Kovil Street,
Valliammaipuram Vellalur,
Coimbatore District - 641 111.

..Petitioner(s)

Vs

1. The Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St. George,
Chennai - 600 009.
2. The Director of Town Panchayats,
7th & 8th Floor, Urban Administrative Office
Campus, Chennai - 600 028.
3. The District Collector
State Bank Road, Gopala Puram,
Coimbatore - 641 018.
4. The Assistant Director of Town Panchayat,
Coimbatore Region, Collectorate Campus,
Coimbatore - 641 018.
5. The Executive Officer
Vellalur Town Panchayat,
Vellalur, Coimbatore - 641 111.

..Respondent(s)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records and quash the impugned order in Na.Ka.No. 855/ 2022 dated 20.04.2023 passed by the 5th respondent and thereby direct the 5th respondent to send proposal for relaxation



of petitioner educational qualification to the 2nd respondent and consequently direct the 2nd respondent to relax petitioner educational qualification and further direct the 5th respondent to hold the post of water supplier under regular time scale from the date on which petitioner had completed three years consolidated pay service along with monetary arrears by considering petitioner vast experience as in accordance with G.O.No.198 issued by the 1st respondent as early as possible within the time frame that may be stipulated by this Hon'ble court.

For Petitioner(s): Mr.V.Sivakumar

For Respondent(s): Mr.C.Selvaraj,
Additional Government Pleader

ORDER

The relief claimed in the above writ petition is as follows;

“for a Writ of Certiorarified Mandamus, to call for the records and quash the impugned order in Na.Ka.No. 855/ 2022 dated 20.04.2023 passed by the 5th respondent and thereby direct the 5th respondent to send proposal for relaxation of petitioner educational qualification to the 2nd respondent and consequently direct the 2nd respondent to relax petitioner educational qualification and further direct the 5th respondent to hold the post of water supplier under regular time scale from the date on which petitioner had completed three years consolidated pay service along with monetary arrears by considering petitioner vast experience as in accordance with G.O.No.198 issued by the 1st respondent as early as possible within the time frame that may be stipulated by this Hon'ble court.”



2.It is the case of the petitioner that he had been appointed as over head water tank watchman-cum-part time water supplier on a temporary basis on a consolidated monthly salary of Rs.200 per month vide the proceedings of the fifth respondent dated 10.02.1995. Thereafter, the petitioner's consolidated wages were being increased periodically on the basis of G.O.Ms.No.198 dated 26.10.1998. The following are the details of the enhancement:

“From 01.09.1999 Rs.650- per month

From 01.09.2000 Rs.700/- per month

From 01.09.2001 Rs.750/- per month

From 01.09.2002 Rs.800/- per month”

3.The petitioner was brought into the time scale of pay of Rs.2550-55-2660-60-3200 from 23.06.2006 by the proceedings of the fifth respondent dated 13.05.2015 as per G.O.Ms.No.60 dated 23.06.2006 of the Rural Development Department. He was also disbursed with the arrears of wages.

4.The petitioner would further submit that he had made several personal requests to the fifth respondent to relax his educational qualification by applying the provisions of G.O.Ms.No.198 dated 26.10.1998. However the same was not considered.



5. Without considering the request for relaxation, the fifth respondent by his proceedings dated 27.03.2017 cancelled the fixation of time scale of pay on the petitioner's service and demoted him to the vacant sweeper post and fixed his salary at Rs.4,800-10,000 plus grade pay 1,300 and other allowances. Though he was demoted, the petitioner is continuously working as over head tank water supplier.

6. The petitioner had filed W.P.No.15776 of 2017 to implement G.O.Ms.No.155 dated 09.03.2015 to regularise the petitioner's services. This Court by order dated 10.01.2022 passed an order stating that the petitioner's job was already regularised and consequently directed the respondents to pay all the arrears of payments within a period of eight weeks. Since the payments have not been made as per the orders of the Court, the petitioner had given a representation dated 08.08.2022 to the fifth respondent. Though the representation was acknowledged, it was not acted upon. Therefore, the petitioner filed W.P.No.4629 of 2023. This Court by order dated 21.02.2023 directed the respondents 1, 2 and 5 to consider the petitioner's representation dated 08.08.2022 in accordance with law, within a period of three months and pass orders. Since the respondents had not complied with the orders of this Court, the petitioner has issued a contempt of court notice to the respondents and since they had not complied with the order even thereafter, the petitioner had filed Cont.P.No.2434 of 2023 and it is only when the Contempt Petition



was posted for admission that the respondent had passed the impugned order dated 20.04.2023, wherein, they had rejected the petitioner's request.

Challenging the same, the petitioner is before this Court.

7. Heard the rival submissions and perused the materials available on record.

8. The impugned order has been passed on the ground that G.O.Ms.No.155 clearly states that no relaxation can be permitted in respect of the petitioner's appointment and contended that there cannot be a relaxation, however, a perusal of G.O.Ms.No.198, which has also been referred to in G.O.M.s.NO.155 provides as follows;

“(5) If the required educational and technical qualifications is not possessed suitable orders must be obtained from the Commissioner for Municipal Administration/Director of Town Panchayats for relaxing the said rules specifically for them. Further such persons can be employed based on their educational qualification at the minimum wages”

9. The petitioner has made several applications to consider relaxation in tune with G.O.Ms.No.198. In the Judgment of the Hon'ble Supreme Court in ***Bhavathi Prasad Vs. Delhi State Mineral Development Corporation*** reported in 1990 (1) LLJ 320, the Hon'ble Supreme Court held that in case of long



service, educational qualification can be relaxed as the gained experience can be equated to educational qualification. The Hon'ble Supreme Court has held as follows;

“Practical experience would always aid the person to effectively discharge the duties and is sure guide to assess the suitability. The initial minimum educational qualification prescribed for the different posts is undoubtedly a fact to reckoned with but it is at the time of the initial entry into the service. Once the appointments were made as daily rated workers and they were allowed to work for a considerable length of time, it would be hard and harsh to deny them the confirmation in the respective posts on the ground that they lack the prescribed educational qualifications. In our view, three years experience, ignoring artificial break in service for short period/periods created by the respondent, in the circumstances, would be sufficient for confirmation.”

10. Admittedly, the petitioner has been serving the respondent since the year 1995 and even after he has been demoted to the post of sweeper, he is continuing to discharge the duty of a over head water tank operator. In these circumstances, the respondents ought to have considered the representation of the petitioner in the light of clause 5 of G.O.Ms.No.198 and the fact that he has been discharging the duties in the above post since 1995.

11. Therefore, the Writ Petition is allowed and the impugned order is set aside and the fifth respondent is directed to consider the representation of the



petitioner dated 08.08.2022 in the light of G.O.Ms.No.198 and his practical experience and relax the educational qualification. The said exercise shall be done within a period of two (2) months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

06-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

TSG

To

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Water Supply Department, Fort St. George,
Chennai - 600 009.

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