



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2026

CORAM

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

W.P.No.31280 of 2016

and

W.M.P.No.8443 of 2017

P.Madhu

..Petitioner(s)

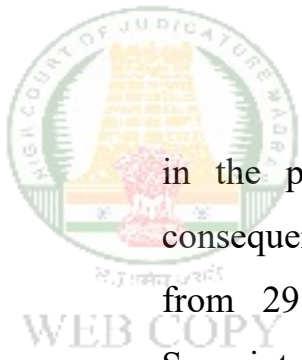
Vs.

1. The Principal Secretary to Government,
Rural Development and Panchayat Raj
Department,
Secretariat, Chennai – 600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai – 600 003.
3. A.Kuttalingam,
Superintending Engineer,
Directorate of Rural Development and
Panchayat Raj, Panagal Buildings,
Saidapet, Chennai – 15.
4. The Director of Rural Development and
Panchayat Raj, Panagal Building,
Saidapet, Chennai – 600 015.

(R4, impleaded, *vide* order dated 11.02.2020
made in W.M.P.No.18752 of 2018 in
W.P.No.31280 of 2016)

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to revise the petitioner's seniority in the select list of Assistant Engineers of Rural Development Department for the year 1997 by placing the petitioner at Sl.No.5



in the place of the third respondent herein and to grant the petitioner consequential promotions such as Assistant Executive Engineer with effect from 29.10.2004, Executive Engineer with effect from 12.08.2008 and Superintending Engineer with effect from 09.05.2014, the date of promotion of the third respondent herein with due seniority on notional basis.

For Petitioner(s) : Mr.Vishnu V.R
for M/s.V.Srimathi

For Respondent(s) : Mr.A.R.Suresh,
Special Government Pleader, for R1
: Mr.R.Bharanidharan for R2
: No Appearance, for R3

ORDER

This Writ petition has been filed seeking the following relief:-

“to direct the respondents herein to revise the petitioner’s seniority in the select list of Assistant Engineers of Rural Development Department for the year 1997 by placing the petitioner at Sl.No.5 in the place of the third respondent herein and to grant the petitioner consequential promotions such as Assistant Executive Engineer with effect from 29.10.2004, Executive Engineer with effect from 12.08.2008 and Superintending Engineer with effect from 09.05.2014, the date of promotion of the third respondent herein with due seniority on notional basis.”

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



3. The major grievance of the petitioner is that the respondents failed to publish the seniority list for the post of Assistant Engineers (Rural Development) in Panchayats – 1997 on the basis of the merit list determined by marks obtained by the respective candidates. Instead, the respondents erroneously maintained roster-based seniority even after the candidates had entered service and that the fundamental principle relating to drawl of seniority list was that it should be based on merit list of selection and that the list drawn based on roster point can have no application for the purpose of seniority list.

4. On the other hand, the learned counsel appearing for the respective respondents opposed the submission made by the learned counsel for the petitioner, by relying on the decisions of the Hon'ble Apex Court in the case of ***Bimlesh Tanwar v. State of Haryana and others*** reported in **2003 (5) SCC 60**, and SLP(C).No.2886 of 2016, filed by the petitioner herein, seeking clarification with regard to the judgment of the Apex Court in Bimlesh Tanwar's case (*supra*).

5. For better appreciation, the relevant portion of the order passed by the Apex Court in SLP(C).No.2886 of 2016 is extracted as under:-

“14. Shri Amit Anand Tiwari, learned AAG, contrary, submitted that by efflux of time, much water has flown. He



submitted that the rights have been accrued between the parties for decades and upsetting the same at this stage would have serious repercussions. In the alternative, Shri Tiwari submitted that it will be appropriate that this Court determines the cut off date and that cut off date should be the first judgment of the Madras High Court. He further submitted that for carrying out the exercise, this Court should appoint a Committee to be cases will have inasmuch as 10.76 lakh considered. It is submitted that the State is not equipped with the machinery to complete such a herculean task.

15. As already discussed hereinabove, the Division Bench in the first judgment has clearly held that the cases before it were not individualistic in nature to be decided on the basis of facts arising in each case. The cases arose only on one principle i.e. as to whether seniority should be as per the merit reckoned by the TNPSC or as per roster point. The Division Bench clearly held that the seniority should be on the basis of the merit reckoned by the TNPSC and not as per the roster point. This Court while the dismissing the Special Leave Petition affirmed the view of the High Court holding that after the judgment of this Court was pronounced in Bimlesh Tanwar (supra), the principle governing determination of seniority was only on the basis of merit list of selection and not as per the basis of roster point.

16. We are of the view that though it can be said that even after the judgment of the Indira Sawhney (supra) on 16th November, 1992, the State could not have prepared the merit list on the basis of roster point, we find that it will not be appropriate to reopen the issues from as early as 1992. We find that in any case, once the law was pronounced by this Court specifically in the case of Bimlesh Tanwar (supra), the State was bound to follow the same.



17. We, therefore, though are not inclined to disturb the seniority lists which are finalized prior to 10th March, 2003 wherein the benefit is granted to either of the parties i.e. as per the roster or as per the seniority list, the seniority list finalized after 10th March, 2003 will have to be re-visited in accordance with the law laid down by this Court in *Bimlesh Tanwar (supra)* and the first judgment of the Madras High Court.

18. We are unable to accept the contention of the learned AAG that the State is not equipped to submitted that this complete the exercise. He exercise has to be conducted in about 54 Departments.

19. If the State has 54 Departments, at least there would be 54 Secretaries/Principal Secretaries/heading Secretaries Additional Chief those Departments. Under such Secretaries, there will be at least half a dozen Joint Secretaries and more than a dozen Deputy Secretaries and about two dozen Under Secretaries working in each of the Department. Further, at the divisional levels also, there would be Heads who would be heading the Department insofar as the Divisions are concerned. We are therefore, not inclined to accept the argument.

20. If the State has the will to do, it can very well comply with the orders passed by the Division Bench of the Madras High Court and affirmed by this Court.

21. We therefore, direct the State Government to complete the exercise of finalizing the seniority lists of selection processes conducted after 10th March, 2003 on the basis of the principle that the seniority list shall be reckoned only on the basis of the merit as determined by the TNPSC in the selection process.



22. It is further made clear that if any list is finalized in case of selections held prior to 2003 giving benefit to the persons selected as per their seniority or as per merit, the same shall also not to be disturbed.”

6. Considering the above submissions made by the learned counsel on either side and taking into account the above order passed by the Hon’ble Apex Court in the special leave petition filed by the petitioner, this Court is of the view that the prayer sought by the petitioner cannot be entertained.

7. For the reasons aforesaid, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

19.08.2026

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

skt



To:

1. The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai – 600 003.
3. The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai – 600 015.



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KRISHNASWAMY GOVINDARAJAN, J.

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