



W.M.P.(MD) No.5576 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.M.P.(MD) No.5576 of 2026

in

W.P.(MD) No.2555 of 2026

1.G.Balasubramanian

2.K.Gnanaguru

3.K.Thamilarasu

4.N.Sankar

5.S.Anitha

... Petitioners /
Respondents 5 to 9

-vs-

1.P.Loganath

... Respondent 1 /
Petitioner

2.The State of Tamil Nadu
rep.by its Secretary to Government
Backward Classes, Most Backward
Classes and Minorities Welfare Department
Secretariat, St.George Fort
Chennai-600 009



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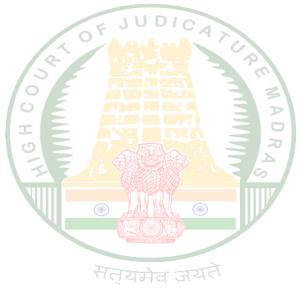
3.The State of Tamil Nadu
rep.by its Secretary to Government
Human Resources and
Management Department
Secretariat, St.George Fort
Chennai-600 009

4.The Commissioner
Backward Classes Welfare
Chennai-600 005

5.The District Backward and
Minorities Welfare Officer
O/o.The District Backward and
Minorities Welfare Office
Ramanathapuram
Ramanathapuram District

... Respondents 2 to 5 /
Respondents 1 to 4

PRAYER (in W.P.(MD) No.2555 of 2026): Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the first respondent in G.O.Ms.No.6, Backward Classes, Most Backward Classes and Minorities Welfare (MWRU(1)) Department, dated 13.01.2026 and quash the same as illegal and consequently to direct the respondents to promote the petitioner to the post of District Backward Classes and Minorities Welfare Officer or its equivalent post on the basis of his notional seniority as fixed by the third respondent vide his proceedings in Se.Mu.No.A2/2922/2012-2 dated 13.06.2022.



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PRAYER (in W.M.P.(MD) No.2142 of 2026): Petition filed under Article 226 of the Constitution of India, to grant ad-interim stay of operation of the impugned order passed by the first respondent in G.O.Ms.No.6, Backward Classes, Most Backward Classes and Minorities Welfare (MWRU(1)) Department, dated 13.01.2026, pending disposal of the above writ petition.

PRAYER (in W.M.P.(MD) No.5576 of 2026): Petition filed under Article 226 of the Constitution of India, to vacate the interim order of stay granted on 02.02.2026 in W.M.P.(MD) No.2142 of 2026 in W.P.(MD) No.2555 of 2026.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.H.Mohamed Imran
for M/s.Ajmal Associates for R1
Mr.B.Saravanan
Additional Advocate General
assisted by Mrs.K.Porkodi
Counsel for Govt. of Tamil Nadu for R2 to R5

ORDER

The first respondent / writ petitioner herein is working as Superintendent in the Backward Classes, Most Backward Classes and Minorities Welfare Department. But, his case was not considered for



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promotion to the post of Personal Assistant to the Directors, while considering the cases of the private respondents in the above writ petition, who are stated to be juniors to the first respondent / writ petitioner in the cadre of Superintendent, on the ground that the first respondent / writ petitioner has not fulfilled the qualification criteria as provided under the Special Rules for the Tamil Nadu Backward Classes and Most Backward Classes Welfare Service i.e., he has not served for a minimum period of six years in the post of Superintendent.

2. The core contention of the first respondent / writ petitioner is that he was promoted to the post of Superintendent w.e.f. 03.11.2014 on notional basis and therefore, he is qualified for promotion to the post of Personal Assistant to the Directors.

3. Therefore, the issue that is required to be considered in this matter is as to whether the notional service of the first respondent / writ petitioner to the post of Superintendent can be treated as a service as required under the Special Rules for the Tamil Nadu Backward Classes and Most Backward Classes Welfare Service for the purpose of his promotion to the post of Personal Assistant to the Directors or not.



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4. This Court, having entertained the writ petition filed by the first respondent / writ petitioner, *vide* order dated 02.02.2026, granted an interim order and the said interim order is being extended from time to time.

5. The official respondents filed their counter-affidavit and the private respondents have filed their counter-affidavit along with the present miscellaneous petition seeking vacation of the interim order granted by this Court *vide* order dated 02.02.2026.

6. Heard Mr.K.Ragatheesh Kumar, learned counsel, representing M/s.Isaac Chambers, for the petitioners / respondents 5 to 9; Mr.H.Mohammed Imran, learned counsel representing M/s.Ajmal Associates, for the first respondent / writ petitioner and Mr.B.Saravanan, learned Additional Advocate General, assisted by Mrs.K.Porkodi, learned counsel for the Government of Tamil Nadu appearing for the respondents 2 to 5 / respondents 1 to 4.

7. The relevant rule, which deals with the qualification for the post of Personal Assistant to the Directors reads as under:



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“3. Qualification.- No person holding the post of Superintendent in the Backward Classes and Minorities Welfare Department and in the Most Backward Classes and Denotified Communities Department shall be eligible for appointment to the post by recruitment by transfer unless:-

(i) he has passed the Account Test for Subordinate Officers Part I or the Account Test for Executive Officers; and

(ii) he has served for not less than six years as superintendent.”

8. From the above, it is evident that no person holding the post of Superintendent in the Department shall be eligible for appointment to the post by recruitment by transfer, unless he has served for not less than six years as Superintendent. It is not the length of service that is prescribed as a qualification, but, it is the actual service rendered by the Superintendent is the qualification prescribed.

9. In the instant case, admittedly, the first respondent / writ petitioner has not served in the post of Superintendent for a period of six



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years, but, he is claiming to have satisfied the qualification criteria basing upon the notional promotion granted in his favour. In the absence of the actual service, *prima facie*, this Court is of the view that the notional promotion granted in favour of the first respondent / writ petitioner cannot be construed as the service of the first respondent / writ petitioner in the post of Superintendent.

10. It is not clear from the materials placed on record as to why and on what ground, the first respondent / writ petitioner was granted notional promotion to the post of Superintendent with retrospective effect. No doubt, in case if the first respondent / writ petitioner was denied promotion at the relevant point of time, in spite of he possessing the requisite qualifications and in case if any of the juniors to the first respondent / writ petitioner were promoted while ignoring the legitimate and legal claim of the first respondent / writ petitioner, he would be granted notional promotion. Once such a notional promotion is granted to the first respondent / writ petitioner, the same cannot be for a limited purpose, but such notional promotion should enure to his benefits for all practical purposes.



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11. Therefore, it is also necessary to see exactly for what reasons, the first respondent / writ petitioner was granted notional promotion and as to whether such notional promotion would enure to the benefits of the first respondent / writ petitioner for all practical purposes or not. These are all the matters that are to be examined in detail by this Court, after the first respondent / writ petitioner placed the entire materials on record.

12. Though learned counsel on either side placed reliance on various decisions, at this stage, this Court is not inclined to refer to those decisions as the first respondent / writ petitioner has admittedly not served in the post of Superintendent for six years.

13. Therefore, this Court is not inclined to continue the interim order granted by this Court *vide* order dated 02.02.2026 in W.P.(MD) No.2555 of 2026 and accordingly, the same is hereby vacated. Consequently, W.M.P. (MD) No.2142 of 2026 is hereby dismissed and W.M.P.(MD) No.5576 of 2026 is allowed.



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14. Registry is directed to list the writ petition for hearing in the third week of September, 2026.

15.07.2026
(1/3)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Secretary to Government,
Backward Classes, Most Backward
Classes and Minorities Welfare Department,
State of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-600 009.
- 2.The Secretary to Government
Human Resources and
Management Department,
State of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-600 009.
- 3.The Commissioner,
Backward Classes Welfare,
Chennai-600 005.
- 4.The District Backward and
Minorities Welfare Officer,
O/o.The District Backward and
Minorities Welfare Office,
Ramanathapuram,
Ramanathapuram District.



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MUMMINENI SUDHEER KUMAR, J.

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W.M.P.(MD) No.5576 of 2026

in

W.P.(MD) No.2555 of 2026

15.07.2026

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