

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.40089 of 2015
and MP.Nos.1 and 2 of 2015

P.Tamilselvi

.. Petitioner

Vs.

The Government of Tamil Nadu
Rep. By its Secretary
Agricultural Department
Secretariat, Fort St.George,
Chennai-9.

2.The Director of Agriculture
Department of Agriculture
Chepauk, Chennai-5.

3.The Secretary
Tamil Nadu Public Service Commission
VOC Nagar, Chennai-3.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 herein to prepare and release the combined inter-se-seniority list of junior assistants and typists recruited for each year separately after getting the ranking selection list of candidates allotted to Agricultural Department recruited for vacancies against the years 2007-2008 to 2012-2013 from the 3rd respondent and then release the promotion panel for the promotion posts of Assistants accordingly.

For Petitioner : Mr.D.Balachandran

For respondents : Mr.S.Gunasekaran, GA

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner was recruited to the post of Typist through Tamil Nadu Public Service Commission and joined the post on 19.07.2013. Subsequently she has passed all the departmental test requisite for promotion to the post of Assistant. The

promotion has to be effected based upon inter-se-seniority among the qualified junior assistant and typist, as per Rule 5 of the Tamil Nadu Ministerial Service Rules. Whereas, the respondents has to fix inter-se-seniority based on the selection made by the TNPSC. However, the respondents 1 and 2 without preparing the inter-se-seniority list, preparing the panel to the post of Assistant. Aggrieved by the action of the respondents, the petitioner and the other similarly placed persons made a representation to the second respondent dated 14.12.2015. Since, it was not considered, the petitioner filed the present writ petition.

3.Heard the submissions of Mr.D.Balachandran, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, Government Advocate who accepts notice on behalf of the respondents.

4.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the second respondent to consider the representation of the petitioner dated 14.12.2015 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary
Government of Tamil Nadu
Agricultural Department
Secretariat, Fort St.George,
Chennai-9.

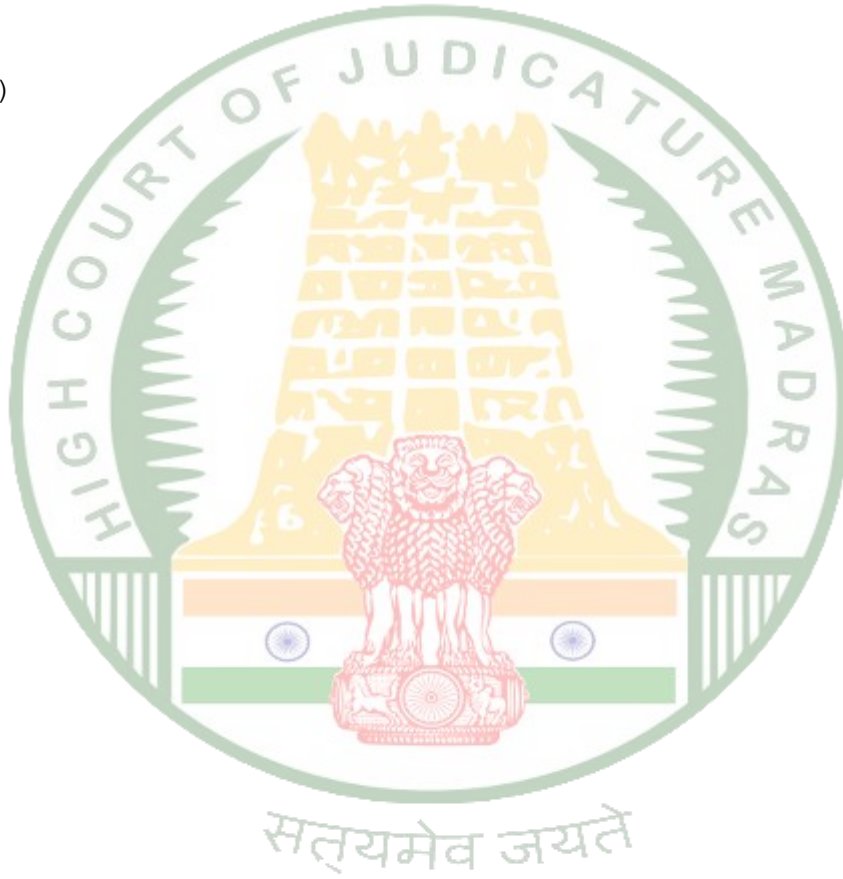
2.The Director of Agriculture
Department of Agriculture
Chepauk, Chennai-5

3.The Secretary
Tamil Nadu Public Service Commission
VOC Nagar, Chennai-3.

1 cc to Mr.D. Balachandran, Advocate, Sr. 68984
1 cc to Government Pleader, Sr. 69713

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TEJ (CO)
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