

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2018

Coram

The Hon'ble Mr. Justice T.RAJA

W.P.No.2241 of 2018

and

W.M.P.Nos.2736 and 2737 2018

- 1.A.Parvathi
- 2.E.Pachiyammal
- 3.V.Vijayakumar
- 4.B.Jayanthi
- 5.C.Uma Maheswari
- 6.G.Vadivukkarasi
- 7.A.Pooniyakotti
- 8.M.Mahalakshmi
- 9.D.Srinivasan
- 10.R.Deepalakshmi
- 11.N.Vidhya
- 12.V.James

... Petitioners

Vs.

- 1.The State of Tamil Nadu
rep. by its Secretary to Government,
Revenue Department,
Secretariat, Chennai - 9.

- 2.The Additional Chief Secretary/
Commissioner of Revenue
Administration, Chepauk,
Chennai - 5.

- 3.The District Collector,
Kancheepuram District,
Kancheepuram.

- 4.The District Revenue Officer,
Collectorate,
Kancheepuram District,
Kancheepuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to draw the inter se seniority list of Assistants in conformity with the Annexure IX, Rule 2(a) r/w clause 9 notified under Rule 38(b) (ii) of the Tamil Nadu Ministerial Service Rules following the 2:1 ratio as provided in the Rule between the promotees and the direct recruits and then draw yearwise panel as per the law laid down in 2009(4) SCC 290 by arranging the candidates as per the ratio before drawing any panel for further promotion and refrain from promoting direct recruits more than the quota assigned in Rule 2(a) of Annexure IX notified under rule 38(b)(ii) of the Tamil Nadu Ministerial Service Rules.

For Petitioners ... Mr.R.Singaravelan,
Sr. Counsel
for M/s.R.Jayaprakash

For Respondents ... Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader

ORDER

This writ petition has been filed by 12 persons jointly seeking a writ of mandamus directing the respondents to draw the inter se seniority list of Assistants in conformity with the Annexure IX, Rule 2(a) r/w clause 9 notified under Rule 38(b) (ii) of the Tamil Nadu Ministerial Service Rules following the 2:1 ratio as provided in the Rule between the promotees and the direct recruits and then draw yearwise panel as per the law laid down in 2009(4) SCC 290 by arranging the candidates as per the ratio before drawing any panel for further promotion and refrain from promoting direct recruits more than the quota assigned in Rule 2(a) of Annexure IX notified under rule 38(b)(ii) of the Tamil Nadu Ministerial Service Rules.

2.Heard the learned senior counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.

3.Learned senior counsel appearing for the petitioners would submit that the prayer made in the writ petition being similar to the one granted by the Madurai Bench of this Court in W.P. (MD) No.15932 of 2017 dated 24.08.2017, the same order may be passed. He has also submitted that there is no panel drawn from the year 2011 for the post of Deputy Tahsildar in Kancheepuram District. Therefore, a similar direction may be given to draw the panel during the year 2011 for the post of

Deputy Tahsildar in Kancheepuram District. The following paragraphs in the order dated 24.08.2017 in W.P. (MD) No.15932 of 2017 would be apposite:

"5.The learned counsel for the 3rd respondent submitted that after the proceedings dated 16.06.2017 issued by the District Collector, Madurai, objections, if any from the affected persons, should be invited and thereafter, seniority list will be prepared to the post of Deputy Tahsildar by fixing the seniority between the direct recruit Assistants and promotive Assistants as per Annexure IX referred to in Rule 38(b) (ii) of the Tamil Nadu Ministerial Service Rules.

6.It appears that there is no panel drawn from the year 2011 to the post of Deputy Tahsildar in the Madurai Revenue District. Therefore, keeping in mind that the District Collector has already issued circular dated 16.06.2017, the respondents are directed to complete the said exercise, on merits and in accordance with law, preferably within a period of four months from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed."

4.In view of the above, the District Collector, Kancheepuram is directed to complete the process of drawing the panel for the post of Deputy Tahsildar ***for** the year ***2017-2018** if not prepared already and complete the said exercise by giving sufficient time to the affected persons to give their objections and finalise the same by preparing a final seniority list *** in accordance with Annexure IX, Rule 2(a) r/w clause 9 notified under rule 38(b) (ii) of the Tamil Nadu Ministerial Service Rules** within a period of four ***weeks** from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

***Corrected as per order of this court
dated 09.03.2018 made in WP.2241/2018**

23.02.2018

Sd/-

Assistant Registrar (CS-VIII)

22.03.2018

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to
Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai - 9.
2. The Additional Chief Secretary/
Commissioner of Revenue
Administration, Chepauk,
Chennai - 5.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The District Revenue Officer,
Collectorate,
Kancheepuram District,
Kancheepuram.

+1cc to Mr.R.JAYAPRAKASH,
Advocate, S.R.No. *18538

+1cc to the Government Pleader, in sr.no.18441

**To be substituted
to the order already
despatched on
08.03.2018**

W.P.No.2241 of 2018

NRJK (CO)
TR(28/02/2018)
CS/22/03/18

सत्यमेव जयते

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