



WEB COPY



W.P.No.3528 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3528 of 2019

C.Ellappan

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Public Service Commission,
Chennai – 600 003.

2.The Principal Secretary / Commissioner,
Treasuries & Accounts Department,
Nandanam,
Chennai – 600 035.

3.The Additional Chief Secretary to Government of Tamil Nadu,
Finance (Treasuries and Accounts) Department,
Secretariat,
Chennai – 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, directing the 1st respondent to issue necessary instructions to the 2nd respondent to grant seniority to the petitioner in the post of Accountant based on the Rank number assigned to the petitioner pursuant to recruitment made to combined subordinate service-1, 2008 and other consequential service benefits like promotion, monetary benefits and other attendant benefits on par with



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Mrs.S.Thilagavathy, who is immediate below in rank by disposing of petitioner's representation dated 12.04.2018.

For Petitioner	: Mr.T.C.Vediappan
For R1	: Ms.G.Hema [For TNPSC] Additional Government Pleader (in both W.Ps)
For R2 & R3	: No Appearance

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to issue necessary instructions to the 2nd respondent to grant seniority to the petitioner in the post of Accountant based on the Rank number assigned to the petitioner pursuant to recruitment made to combined subordinate service-1, 2008 and other consequential service benefits like promotion, monetary benefits and other attendant benefits on par with Mrs.S.Thilagavathy, who is immediate below in rank by disposing of petitioner's representation dated 12.04.2018.

2. The petitioner states that he applied for Combined Subordinate Service-1 in the year 2008. He was successful in the process of selection and



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accordingly selected. The petitioner had not received allotment order from the Commission as his name was not considered in the first list published by the Tamil Nadu Public Service Commission (TNPSC).

3. The grievance of the writ petitioner is that the seniority as per his selection was not granted to him, which resulted in denial of promotion on par with his juniors. It is contended that juniors to the petitioner were already promoted to the higher posts. Therefore, the petitioner filed the present writ petition, seeking for directions to issue necessary instructions to the 2nd respondent / Department to re-fix the seniority of the writ petitioner based on the ranking allotted by the Tamil Nadu Public Service Commission (TNPSC).

4. The Tamil Nadu Public Service Commission (TNPSC) filed a counter affidavit stating that the petitioner was directed by the Commission vide memo dated 13.09.2013 to produce the Last Studied Conduct Certificate (LSCC), which was not produced by the petitioner at the time of oral test and informed to produce the documents on or before 27.09.2013. The candidate has produced the said document and the application of the



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candidate admitted finally and supplemental allotment order and selection memorandum were forwarded to the Head of the Department and also to the candidate on 27.03.2014.

5. The learned counsel appearing on behalf of the Tamil Nadu Public Service Commission (TNPSC) made a submission that the petitioner though selected, failed to produce the Last Studied Conduct Certificate (LSCC), which is a requisite document to finalise the selection list. Since the petitioner had not produced the said certificate, his name was not forwarded along with the other selected candidates in the first list, and only after production of the certificate at later point of time supplemental allotment order and selection memorandum was forwarded to the Head of the Department by the Tamil Nadu Public Service Selection on 27.03.2014. There was a delay in issuing the allotment order in favour of the writ petitioner at his own volition and therefore, the petitioner is not entitled for the relief.

6. The petitioner had failed to submit the relevant documents during the oral test and an opportunity was provided and he has produced the



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certificate at later point of time. However, the case of the writ petitioner was considered and he was appointed after submission of the relevant certificate and thus, the petitioner now cannot claim any seniority based on the selection made in the first list. The petitioner admittedly was selected and appointed based on the supplemental allotment order forwarded to the Head of the Department on 27.03.2014. But the other candidates joined in advance. This being the factum, the petitioner is not entitled for the relief as such sought for in the present writ petition.

7. Accordingly, the Writ Petition stands dismissed. No costs.

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Jeni

Index : Yes

Speaking order



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To

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S.M.SUBRAMANIAM, J.

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