



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.02.2022

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.29380 OF 2005

AND

W.P.M.P.NO.32209 OF 2005

V.Venkatesan

.. Petitioner

Vs.

1. The Tamilnadu Public Service Commission,
Rep.by its Deputy Secretary,
Anna Salai, Chennai - 600 002.
2. The Director,
Rural Development,
Saidapet, Chennai - 600 015.
3. S.Arul Kumaran

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus or any other appropriate writ order or direction in the nature of a writ of certiorarified mandamus calling for the records of the second respondent in Na.Ka.No.64441/2004/EE2 dated 25.10.2004 and the proceedings of the first respondent herein in memorandum No.3918/OTD/C3/2004 dated 08.12.2004 quash the same and direct the respondents herein to revise the seniority list in the post of Assistant Engineers (Rural Development) in Panchayats 1997 for selection to the post of Assistant Executive Engineer (Rural Development) on the basis of merits determined by marks obtained by the respective candidates, and promote the petitioner herein to the post of Assistant Executive Engineer (Rural Development).

For Petitioner : Mrs.AL.Ganthimathi

For Respondents : Ms.G.Hema, for R1
Mr.UM.Ravichandran, for R2
Special Government Pleader
No Appearance for R3



O R D E R

This petition is filed to call for the records of the second respondent in Na.Ka.No.64441/2004/EE2 dated 25.10.2004 and the proceedings of the first respondent herein in memorandum No.3918/OTD/C3/2004 dated 08.12.2004 quash the same and direct the respondents herein to revise the seniority list in the post of Assistant Engineers (Rural Development) in Panchayats 1997 for selection to the post of Assistant Executive Engineer (Rural Development) on the basis of merits determined by marks obtained by the respective candidates, and promote the petitioner herein to the post of Assistant Executive Engineer (Rural Development).

2. The case of the petitioner is that he belongs to the Backward Class Community. The first respondent / Tamilnadu Public Service Commission, issued notification for recruitment to the post of 200 Assistant Engineers (Rural Development) in Panchayat Unions. As per the said notification, the said posts are to be filled up on the basis of merit and subject to the rule of reservation. Petitioner had secured 303.81 marks out of 450 and he was appointed in the said post under General Turn.

2(i). Petitioner had obtained higher marks on merits and even though he was selected on the same day along with 197 other candidates, yet their seniority is fixed by the first respondent was not on the basis of merits, but was on the basis of roster system. The petitioner who hail from backward community was not given the same benefit as the persons who hail from backward community who obtained lesser marks than the petitioner and who were included highup in the seniority list since they were selected in the turn which was reserved for backward class while the petitioner herein who had secured higher marks was selected for appointment on general turn. Petitioner made a representation dated 05.10.2004 to the second respondent and further a representation to the first respondent on 22.11.2004. As the same has not been considered, this writ petition has been filed.

3. The learned Standing Counsel appearing for the 1st respondent would submit that pursuant to the decision the Hon'ble Supreme Court vide order dated 01.10.2021 in L.No.2267, the 1st respondent had revised the seniority list and the same was published and forwarded to the Government vide Letter No.2267/OTV-A4/1999 dated 12.10.2021.

4. The learned Senior counsel for the writ petitioner has also not disputed the said fact and submitted that pursuant to the said letter received by the second respondent, the second respondent has revised the seniority list and the same was



published by the Department on 20.10.2021 but so far no posting orders are issued.

5. Considering the submissions made by the learned counsels appearing for the parties concerned on either side and taking note of the fact that the the first respondent has revised the seniority list and forwarded the same to the Government/second respondent, it would be appropriate to direct the second respondent to pass appropriate orders for granting the promotion to the petitioner.

6. Accordingly, the second respondent / Government is directed to pass appropriate orders based on the revised seniority list forwarded by the 1st respondent and pass appropriate order granting promotion to the petitioner, as expeditiously as possible.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Deputy Secretary,
The Tamilnadu Public Service Commission,
Anna Salai, Chennai - 600 002.

2. The Director,
Rural Development,
Saidapet, Chennai - 600 015.

+1cc to M/s.AL.Ganthimathi, Advocate, S.R.No.6940

+1cc to the Government Pleader, S.R.No.6808

W.P.No.29380 of 2005 and
W.P.M.P.No.32209 of 2005

PA(CO)
RLP(18/03/2022)