



W.P.(MD).No.16832 of 2018

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 20.12.2022**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

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S.Selvarani

... Petitioner

**Vs.**

1.The Principal Secretary to Government,  
Revenue Department,  
Secretariat,  
Chennai – 600 009.

2.The Principal Secretary and Commissioner of Revenue  
Administration,  
Ezhilagam, Chepauk,  
Chennai – 600 005.

3.The District Collector,  
Thanjavur District,  
Thanjavur.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records of the first respondent i.e., Principal Secretary to Government, Revenue Department, Chennai relating to G.O.(1D) No.285 Revenue and Disaster



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Management Department, Services Wing (Ser). 3(2) Section dated 27.06.2018 communicated by the District Collector, Thanjavur in his ROC.No. 42524/2017/A5 dated 10.07.2018 and quash the same and consequently direct the first respondent i.e., Principal Secretary to Government, Revenue Department, Chennai to grant exemption from the operation of A(ii) of Annexure-III to Rule 7 of the Tamil Nadu Revenue Subordinate Service Rules so as to include petitioner's name in the Deputy Tahsildar list of the year 2017 on par with her colleagues within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.P.Thambi Durai,  
Government Advocate.

### **ORDER**

This Writ Petition is filed challenging the Government Order dated 27.06.2018 and consequently direct the first respondent to grant exemption from the operation of A(ii) of Annexure-III to Rule 7 of the Tamil Nadu Revenue Subordinate Service Rules so as to include petitioner's name in the Deputy Tahsildar list of the year 2017 on par with her colleagues.



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**WEB COP 2.** The petitioner was appointed as Junior Assistant on 10.07.2003.

Subsequently, she was promoted as Assistant. When the petitioner was waiting for the next promotion as Deputy Tahsildar, the respondents have not included the petitioner's name in the year 2017, since the petitioner has not completed 8 years of regular service as on the crucial date of 15.09.2017. The petitioner is having only 7 years 5 months 14 days of service. The contention of the petitioner is that the petitioner has joined the service completed all the examinations conducted by the respondents, only the service qualification of 8 years is lagging. The petitioner is contending that even though she was selected but the respondents have granted an approval of appointment only belatedly. Since the petitioner belongs to SC ST category, there was a delay in verification of certificate by the competent District Committee. Hence, there was a delay of 8 months. If such period was included, the petitioner would have not lost her service period of 8 years, since the respondents have not granted approval immediately, after the recruitment process was over. The time consumed in verifying the Community Certificate by the District Committee has caused this delay and such delay cannot be attributed on the petitioner and hence the petitioner claimed to consider for promotion.



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3. The respondents have considered such claim of the petitioner and rejected through the impugned order.

4. The case of the petitioner is a peculiar case. The Fundamental Rules states that the Government employee is entitled to all service benefits and monetary benefits from the date of appointment order. In the present case, the appointment order was issued belatedly, even though the petitioner was selected by the competent recruiting agency. The Rules specifically states that the period of service can be considered only from the date of appointment of the Government employee and not for the waiting period for various reasons.

5. Therefore, this Court can only pity the petitioner, since the rules otherwise states. Therefore, the petitioner is not entitled to calculate the waiting period from the recruitment process to the appointment order. Hence, the petitioner's case is rejected. The impugned order is confirmed.

6. Before parting with the judgment, this Court is of the considered opinion that for verifying the Community Certificate, the Competent District



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Committee cannot delay the process, whereby, the petitioner has lost the valuable service that would affect the petitioner's future promotion. The Government can consider by creating a procedure where such candidates can be appointed subject to the verification of Community Certificate and if the Community Certificate established is not genuine, such candidate cannot be regularized and on the date of declaring such Community Certificate is not genuine, the petitioner should submit an undertaking to quit the job immediately. Such scheme may be contemplated and formulated.

7. Hence, this Writ Petition is dismissed. There shall be no order as to costs.

**20.12.2022**

Index : Yes / No  
Internet : Yes/ No  
Nsr



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**S.SRIMATHY, J.**

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