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W.P.No.2926 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07..09..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.2926 of 2022

&

W.M.P.No.3067 of 2022

B.Musthafa

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Labour Welfare and Skill Development Department,
Secretariat, Chennai 600009.
- 2.The Director of Employment and Training,
O/o the Director of Employment and Training,
Chennai 600 032.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai 600 003.
- 4.R.Maheswaran,
Regional Director,
Department of Employment & Training,
K.Pudur, Madurai.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to prepare the seniority list afresh based on the marks secured by the respective candidates in the



W.P.No.2926 of 2022

examination conducted by the 3rd respondent for appointment to the post of Principal I.T.I / Assistant Director of Training in the light of the order passed by this Court in W.P.(MD) No.666 of 2021 dated 19.01.2021 in respect of the similarly placed person and by considering the petitioner's representation dated 05.01.2022 within the period that may be stipulated by this court.

For Petitioner : *Mr.I.Calvin Jones for*
M/s.Ajmal Associates

For Respondent (s) : *Mr.B.Baladhandayutham,*
Spl. Government Pleader for
RR1 & 2
Ms.C.N.G.Niraimathi for R3

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the respondents to consider the representation of the petitioner dated 05.01.2022 made to the 3rd respondent with a copy to the respondents 1 and 2 seeking to prepare the seniority list afresh based on the marks secured by the respective candidates in the examination conducted by the 3rd respondent for appointment to the post of Principal I.T.I / Assistant Director of Training in the light of the order passed by this Court in W.P.(MD) No.666 of 2021 dated 19.01.2021 in respect of the similarly placed person.

2. It is the case of the petitioner that he was appointed as Principal and



W.P.No.2926 of 2022

subsequently, he was promoted as Deputy Director and was further promoted as Joint Director of Training, Department of Employment and Training. The grievance of the petitioner is that though he had secured higher marks than the 4th respondent, he was placed below him in the seniority list published in 1999 by the 2nd respondent.

3. Heard both sides and also perused the records carefully.

4. The learned Special Government Pleader on instruction from the Commissioner, Department of Employment & Training, Guindy, Chennai, submitted that the Supreme Court in its order dated 18.04.2023 in the Contempt Petition (Civil) Diary No. 6415 of 2021 in SLP © No.2886 of 2016 directed the State Government to complete the exercises of finalizing the seniority list of the selection process conducted after 10.0.2023 on the basis of the principle that the senior list shall be reckoned only on the basis of the merit as determined by the Tamil Nadu Public Service Commission in the selection process.

5. Considering the limited nature of the prayer sought for in the writ petition and the submission made by the learned Special Government Pleader, this court, without going into the merits of the claim of the petitioner, direct the respondents to consider the representation made by the petitioner dated



W.P.No.2926 of 2022

05.01.2022 for re-fixation of seniority on the basis of merits as determined by the TNPSC in the selection process and pass appropriate orders thereon in accordance with law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. While passing such order, the authority concerned shall take into consideration the judgement of the Supreme Court in SLP (C) No.2886 of 2016 and the orders of the Supreme Court dated 18.04.2023 made in Contempt Petition (Civil) Diary No.6415 of 2021.

This writ petition is disposed of accordingly with the above directions. No costs. Consequently, connected WMP is closed.

07..09..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

- 1.The Secretary to Government, Labour Welfare and Skill Development Department, Government of Tamil Nadu, Secretariat, Chennai 600009.
- 2.The Director of Employment and Training, O/o the Director of Employment and Training, Chennai 600 032.
- 3.The Secretary, Tamil Nadu Public Service Commission, VOC Nagar, Park Town, Chennai 600 003.
- 4.The Regional Director, Department of Employment & Training, K.Pudur,



Madurai.

WEB COPY



W.P.No.2926 of 2022



WEB COPY



W.P.No.2926 of 2022

N.SATHISH KUMAR.J.,

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W.P.No.2926 of 2022

07..09..2023