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W.P.Nos.6803, 6807 & 8703 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.6803, 6807 & 8703 of 2023 and
W.M.P.Nos.6897, 6901, 8499, 8500, 8503,
8506, 8507, 8510 & 8895 of 2023

S.Rajinikanth ... Petitioner in W.P.No.6803 of 2023
A.Arulvalavan ... Petitioner in W.P.No.6807 of 2023
V.Kavitha ... Petitioner in W.P.No.8703 of 2023
Vs.

1.The Government of Tamil Nadu,
Represented by Secretary to Government,
Revenue Department,
Chennai-9.

2.The Additional Chief Secretary to Government,
Commissioner of Revenue Administration,
Chepauk, Chennai – 600 005.

3.The District Collector,
Thiruvallur District,
Thiruvallur.

... Respondents in all Writ Petitions

PRAYER in W.P.Nos.6803 & 6807 of 2023: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, direction or order in the nature of writ, calling for the records relating of the third respondent relating to the order in (i)R.C.No.10835/2022/A3 dated 30/11/2022 (revised Deputy Tahsildar seniority from 2005 to 2021) to the limited extend of non inclusion of the petitioner's name in the panel for the year 2016 and including his name in the panel for the year 2020 and (ii) R.C.No.10835/2022/A3 dated 30/11/2022 of the Third Respondent (Revised



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Tahsildar's panel from 2008 to 2021) to the limited extent of non inclusion of the petitioner's name in the revised panel for the year 2019, to quash the same and to issue consequential direction to the respondents to restore the petitioners placement in the panel for the year 2016 for promotion as Deputy Tahsildar and his placement in the panel for the year 2019.

PRAYER in W.P.No.8703 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, direction or order in the nature of writ, calling for the records relating of the Third Respondent relating to the Order in (i)R.C.No.10835/2022/A3 dated 30/11/2022 (revised Deputy Tahisldar seniority from 2005 to 2021) to the limited extent of non inclusion of the petitioner's name in the panel for the year 2017 and including her name in the panel for the year 2019 and (ii) R.C.No.10835/2022/A3 dated 30/11/2022 of the Third Respondent (Revised Tahsildar's panel from 2008 to 2021) to the limited extent of non inclusion of the Petitioner's name in the revised panel for the year 2021, (iii) R.C.No.A3/02/2023 dated 27.02.2023 issued by the 3rd respondent herein, to quash the same and to issue consequential direction to the Respondents to restore the petitioner's placement in the panel for the year 2017 for promotion as Deputy Tahsildar and her placement in the panel for the year 2021 as Tahsildar.

For Petitioners : Mr.M.Ravi in all Writ Petitions
For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader
in all Writ Petitions

COMMON ORDER

W.P.Nos.6803 & 6807 of 2023 have been filed to call for the records relating to the 3rd respondent's order in (i)R.C.No.10835/2022/A3 dated 30.11.2022 (revised Deputy Tahsildar seniority from 2005 to 2021) to the limited extent of non inclusion of the petitioner's name in the panel for the year 2016 and including his name in the panel for the year 2020 and (ii)



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R.C.No.10835/2022/A3 dated 30/11/2022 of the 3rd Respondent (Revised Tahsildar's panel from 2008 to 2021) to the limited extent of non inclusion of the petitioner's name in the revised panel for the year 2019, to quash the same and to issue consequential direction to the respondents to restore the petitioners placement in the panel for the year 2016 for promotion as Deputy Tahsildar and his placement in the panel for the year 2019.

2.W.P.No.8703 of 2023 to call for the records relating to the 3rd respondent's order in (i)R.C.No.10835/2022/A3, dated 30.11.2022 (revised Deputy Tahisldar seniority from 2005 to 2021) to the limited extent of non inclusion of the petitioner's name in the panel for the year 2017 and including her name in the panel for the year 2019 and (ii) R.C.No.10835/2022/A3, dated 30.11.2022 of the 3rd Respondent (Revised Tahsildar's panel from 2008 to 2021) to the limited extent of non inclusion of the Petitioner's name in the revised panel for the year 2021 (iii) R.C.No.A3/02/2023, dated 27.02.2023 issued by the 3rd respondent herein, to quash the same and to issue consequential direction to the respondents to restore the petitioner's placement in the panel for the year 2017 for promotion as Deputy Tahsildar and her placement in the panel for the year



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2021 as Tahsildar.

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3.It is the contention of the learned counsel for the petitioners that originally, the petitioners were included in the year 2016 panel of Deputy Tahsildar, by order, dated 28.11.2016 and they have been promoted as Tahsildar in the year 2019. When the matter stood this, by impugned order, dated 30.11.2022, the petitioners were removed from the 2016 panel of Deputy Tahsildar and included only in the year 2020 panel of Deputy Tahsildar. That apart, they have also removed from the panel of Tahsildar of the year 2019 and they have been reverted to the post of Deputy Tahsildar from Tahsildar, which has been put in challenge in these Writ Petitions.

4.Counter has been filed by the 3rd respondent. It is stand of the 3rd respondent that such reversion has been taken place while implementing the order of the Hon'ble Apex Court in Civil Appeal Nos.251 to 256 of 2015 dated 12.03.2019. Hence, it is the contention in the counter that the entire reversion and revisiting the panel is only for compliance of the order of the Hon'ble Apex Court.



5. Heard the submissions made by the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents.

6. During the pendency of these Writ Petitions, a proposal has been sent by the 3rd respondent to the 2nd respondent seeking permission to enhance the estimation of the vacancies from 35 to 51 in the panel of the year 2016. The entire proposal indicated that while estimating the vacancy for the year 2016 panel, it has wrongly mentioned the vacancies as 35 instead of 51 which resulted in reversion of the petitioners. If the proper estimation of the vacancy arrived at the relevant point of time, reduction of the eight Tahsildar would not have been happened.

7. Since the 3rd respondent himself has found that at the time of estimation of the vacancy in the year 2016-17 there are some mistakes crept in, now he sought for appropriate orders from the 2nd respondent *vide* his proposal, dated 07.04.2023. Subsequent to the proposal, dated 07.04.2023, another proposal has been sent by the 3rd respondent on 31.07.2023 wherein it is indicated that in the year 2016, the estimated vacancies arrived for



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Deputy Tahsildar is 57 whereas only 15 alone calculated.

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8.In such view of the matter, without going into the merits of the case, this Court is inclined to direct the 2nd respondent to issue appropriate order rectifying the mistake crept in the panel so that the entire matter will be resolved.

9.Accordingly, these Writ petitions are disposed of with a direction to the 2nd respondent to consider the fact that there is no graduate promotee or immediate senior to replace these petitioners and, accord permission to rectify the mistake as sought by the 3rd respondent and pass appropriate orders, within a period of one month, from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

27.09.2023

(1/2)

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

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To
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- 1.The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Chennai-9.
- 2.The Additional Chief Secretary to Government,
Commissioner of Revenue Administration,
Chepauk, Chennai – 600 005.
- 3.The District Collector,
Thiruvallur District,
Thiruvallur.



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N.SATHISH KUMAR, J.

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