



W.P.No.5183 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5183 of 2016
and
W.M.P.No.4555 of 2016

S.Arivanandam

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

2.The Joint Director of School Education (Personnel),
O/o.The Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Thiruvarur District,
Thiruvarur.

4.The District Educational Officer,
Thiruvarur,
Thiruvarur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.31553/C2/E2/2015 dated 03.07.2015 and to



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quash the same and consequently, direct the respondents to promote the petitioner to the post of BT Assistant with effect from 15.12.1997 on par with his junior Tmt. T.Krishnagokilam with subsequent revision of seniority in the post of High School Headmaster with consequential benefits including fixation of salary and other service benefits including further promotion to the post of District Educational Officer/Higher Secondary School Headmaster based on such revision of seniority, within a time frame as fixed by this Court.

For Petitioner : Mr.G.Sankaran, Sr. Counsel
for Mr.S.Nedunchezhiyan

For Respondent : Mr.T.Chezhiyan, AGP
Nos.1 to 4

ORDER

The order of rejection of the petitioner's claim seeking notional promotion to the post of BT Assistant (History) from 15.12.1997, on par with his junior by the second respondent herein through order dated 03.07.2015, is put under challenge in the present Writ Petition.

2. Heard Mr.G.Sankaran, learned Senior counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader appearing on behalf of the respondents.

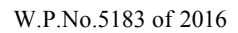


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3. The petitioner herein, who was promoted to the post of BT Assistant (History) on 14.08.2001, claims for notional promotion to the said post on 15.12.1997 from the date on par with his junior. The petitioner has now reached the age of superannuation.

4. The claim of the petitioner is based on the promotional panel for the year 2010-11. According to the petitioner, when the promotional panel for the year 2011-12 was published in the official website of Educational Department on 28.06.2012, he came to know about the fact that his junior was given promotion to the post of BT Assistant on 15.12.1997 and therefore seeks for retrospective promotion with effect from 15.12.1997. His claim came to be rejected through the impugned order passed by the respondents in which it was stated that as per Rule 35(f) of the Tamil Nadu State and Subordinate Services Rules, the revision of a seniority after a period of three years, is impermissible. The reason adopted by the respondents, cannot be found fault with. Rule 35(f) requires a Government employee to seek for revision of seniority to the Authority concerned, within a period of three years from the date of order fixing the seniority. Since the claim of the petitioner herein for revision of his seniority is after about 12



"30. Thus, in view of the above, the settled legal proposition that emerges is that once the seniority had been fixed and it remains in existence for a reasonable period, any challenge to the same should not be entertained. In K.R. Mudgal (supra), this Court has laid down, in crystal clear words that a seniority list which remains in existence for 3 to 4 years unchallenged, should not be disturbed. Thus, 3-4 years is a reasonable period for challenging the seniority and in case someone agitates the issue of seniority beyond this period, he has to explain the delay and laches in approaching the adjudicatory forum, by furnishing satisfactory explanation."

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6. Accordingly, the Writ Petition stands dismissed.

Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

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Index:Yes / No

Order: Speaking / Non Speaking

Neutral Citation: Yes / No

DP

To

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- 2.The Joint Director of School Education (Personnel),
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M.S.RAMESH,J.

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