



W.P.No.27183 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27183 of 2023

and

W.M.P.No.26619 of 2023

1.R.Pramila Devi
2.E.Sudar Prakash
3.R.Balaji
4.S.Vijayakumar
5.M.Anna Lenin Joseph

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by its Chief Secretary to Government,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Human Resources Management Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 3.The State of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.



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4.The Director of Milk Production and Dairy Development,
Madhavaram Milk Colony,
Chennai – 600 051.

5.The Deputy Milk Commissioner (Co-operation)
Office of the Director of Milk Production
and Dairy Development,
Madhavaram Milk Colony,
Chennai – 600 051.

6.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai – 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to forbear the respondents from finalizing the panel for promotion to the post of Co-operative Sub-Registrar for the year 2023 without formulating the provisions for reservation in promotion for SC/STs in Tamil Nadu Government Service, as per Article 16(4A) of Constitution of India in furtherance to constitution of Committee as per G.O.Ms.No.118, Human Resources Management (S.Special) Department, dated 27.10.2022, and consequently to direct the respondents to provide reservation in promotion for SC/STs as per Article 16(4A) of Constitution and accordingly, to consider the petitioners for promotion to the post of Co-operative Sub-Registrar, with all consequential and other benefits.



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For Petitioners : Mr.G.Sankaran
for Mr.S.Nedunchezhiyan

For R1 to R5 : Mr.R.Shunmugasundaram
Advocate General
assisted by Mr.M.Alagu Gowtham
Government Advocate

ORDER

This writ petition has been filed to forbear the respondents from finalizing the panel for promotion to the post of Co-operative Sub-Registrar for the year 2023 without formulating the provisions for reservation in promotion for SC/STs in Tamil Nadu Government Service, as per Article 16(4A) of Constitution of India in furtherance to constitution of Committee as per G.O.Ms.No.118, Human Resources Management (S.Special) Department, dated 27.10.2022, and consequently to direct the respondents to provide reservation in promotion for SC/STs as per Article 16(4A) of Constitution and accordingly, to consider the petitioners for promotion to the post of Co-operative Sub-Registrar, with all consequential and other benefits.

2.The petitioners state that they were recruited as Senior

Inspectors of Co-operative Societies through TNPSC in the year 2013 and



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their services were also regularised in the year 2017 based on TNPSC selection list following roster. However, the seniority list of Senior Inspector of Co-operative Societies was put to challenge and ultimately, the Supreme Court held that the seniority list shall be reckoned only on the basis of the merit as determined by TNPSC in the selection process. In the said circumstances, the reservation in promotion for the benefit of SC/STs as well as other reserved categories based on roster seniority was sought to be annulled. Consequent to the orders of the Hon'ble Supreme Court, revised seniority list based on merit was issued by TNPSC, followed by issuance of integrated seniority list vide proceedings dated 25.07.2023.

3.Now, it is the grievance of the petitioners that the 4th respondent is in the process of filling up 42 vacancies in the promotional post of Co-operative Sub-Registrar and a panel has been drawn based on the seniority list prepared following the merit in the selection process. It is the contention of the petitioners that the petitioners, who had the benefit of promotion based on roster seniority, have now been deprived of their promotional opportunity, though they belong to suppressed and oppressed community.



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4.The petitioners state that the State of Tamil Nadu has constituted a Committee vide G.O.Ms.No.118, Human Resources Management (S.Special) Department, dated 27.10.2022, to ensure social justice in Government service at all stages, including reservation in promotion by invoking Article 16(4A) of the Constitution of India. However, it is the grievance of the petitioners that, in the meantime, the respondents are taking steps to fill up the promotional post of Co-operative Sub-Registrar. Hence, this writ petition has been filed seeking the relief as stated *supra*.

5.It is the contention of the learned Senior Counsel appearing for the petitioners that, despite formation of a Committee by the State Government to look into the reservation in promotions, no further progress is forthcoming. Hence, the learned Senior Counsel seeks directions to expedite the process.

6.Learned Advocate General appearing for the respondents 1 to 5, would submit that one of the Members of the Committee has now become a Judge of High Court and therefore, the Committee has to be



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reconstituted, after which, the Government will take steps to expedite the process.

7.In view of the submissions made by the learned Advocate General, the Government shall take steps to reconstitute the Committee and shall expedite the further process. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.09.2023

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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

- 1.The Chief Secretary to Government,
State of Tamil Nadu,
Secretariat, Fort St. George, Chennai – 600 009.
- 2.The Secretary to Government,
State of Tamil Nadu,
Human Resources Management Department,
Secretariat, Fort St. George, Chennai – 600 009.
- 3.The Additional Chief Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department,
State of Tamil Nadu,
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