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W.P.No.23358 of 2017

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 21.11.2023**

**CORAM**

**THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P.No.23358 of 2017**

M.Boopathi

... Petitioner

Vs.

1.The District Collector,  
Nagapattinam District,  
Nagapattinam.

2.The District Revenue Officer,  
Nagapattinam Distrit,  
Nagapattinam.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the proceedings of the 1<sup>st</sup> respondent in O.Mu.15510/2016 A2 dated 13.10.2016 and quash the same as illegal, incompetent and ultra vires.

For Petitioner : Mr.M.Venkatesh  
for Mr.R.Jayaprakash

For Respondents : Mr.T.M.Rajangam  
Government Advocate



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## **ORDER**

This Writ Petition has been filed to quash the proceedings of the 1<sup>st</sup> respondent dated 13.10.2016 as illegal, incompetent and ultra vires.

2.The learned counsel for the petitioner would submit that the petitioner was appointed to the post of Junior Assistant in the office of the 1 respondent on 26.05.2009. He was selected on the basis of the selection done by Tamil Nadu Public Service Commission. Further, M. Mahesh. R. Aruljothi. N.Saravanan. T. Babu and Egbalunisa. were appointed in the post of Typists/Steno - typists on 03.08.2009 and 31.07.2009, respectfully. The 2nd respondent issued an order stating that they have completed "office Automation and their names have been included in the list of members 2012 batch, to be promoted to the post of Assistant in District Revenue Office, Nagapattinam by orders dated 02.08.2011, 29.07.2011 and 30.07.2011, respectively. He would submit that the petitioner completed "Office Automation" much before than the said persons but the petitioner name was added in the panel for the year - 2013 for promotion to the post of Assistant



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in the office of the 1st respondent. Though the petitioner had completed "Office Automation" at a much earlier stage due to the mistake on the part of the administration, there was a delay in giving training to the petitioner and his name was included only in the 2013 batch. Aggrieved over the same, the petitioner preferred an appeal before the 1st respondent seeking to rectify the mistake done. Due to the inclusion of their names, there is serious confusion in the seniority list. The 1st respondent rejected the petitioner's appeal on the ground that the correction in the order was made on 03.01.2013. The 1st respondent also made it very clear that the persons who have been included in the panel for the year 2012 were not qualified. Hence this Writ Petition.

3.The learned Government Advocate appearing for the respondents would submit that the petitioner made an appeal after three years of the drawal of the panel. The order passed by the 2<sup>nd</sup> respondent dated 13.10.2016 is according to Rule 35F of the Tamil Nadu State and Subordinate Service Rules. Further, the panel for the promotion of Assistant -2012 was published on 06.07.2012. If any person aggrieved over the same



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he has to prefer an appeal within 60 days before the Commissioner of Revenue Administration, but the petitioner has not filed any appeal within the appeal period. Admittedly, the petitioner has not acquired the following qualifications, namely, (1) Fundamental training at Bhavani Training Institute, (2) Survey Training and (3) Settlement Training on 15.03.2012 for being included in the panel for promotion as Assistant for the year 2012. Further, the petitioner completed Office Automation only in the year 2013. As per G.O.Ms.No.130, P and AR Department, dated 22.07.2008 prescribing the qualification of Certificate Course in Computer On Office Automation, the statutory rules only amended by the issue of G.O.Ms.No.179, P and AR Department, dated 19.12.2012. Therefore, the petitioner is not entitled for inclusion of his name in the panel of Assistant in 2012. Hence, prays for dismissal of this Writ Petition.

4. On a perusal of the records, it is seen that the panel for the promotion of Assistant - 2012 was published on 06.07.2012 and the petitioner made an appeal after three years of the drawal of the panel. The



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petitioner has not filed any appeal within the appeal period. Further, the order passed by the 2<sup>nd</sup> respondent dated 13.10.2016 is according to Rule 35F of the Tamil Nadu State and Subordinate Service Rules. Admittedly, the petitioner has not acquired the following qualifications, namely, (1)Fundamental training at Bhavani Training Institute, (2)Survey Training and (3)Settlement Training on 15.03.2012 for being included in the panel of promotion as Assistant for the year 2012. Further, the petitioner completed Office Automation only in the year 2013. As per G.O.Ms.No.130, P and AR Department, dated 22.07.2008 prescribing the qualification of Certificate Course in Computer On Office Automation, the statutory rules only amended by the issue of G.O.Ms.No.179, P and AR Department, dated 19.12.2012. Therefore, the petitioner is not entitled for inclusion of his name in the panel of Assistant in 2012.

Accordingly, this Writ Petition is dismissed. No costs.

**21.11.2023**

Index : Yes/No  
Speaking order: Yes/No



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Neutral citation: Yes/No  
mps

To

1. The District Collector,  
Nagapattinam District,  
Nagapattinam.

2. The District Revenue Officer,  
Nagapattinam District,  
Nagapattinam.

**V.BHAVANI SUBBAROYAN, J,**

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