



W.A.No.1421 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.No.1421 of 2019
and C.M.P.No.9823 of 2019**

R.Shanthi

... Appellant

-Vs-

1.The Secretary

Tamil Nadu Public Service Commission
Chennai.

2.The Secretary to Government of Tamil Nadu

Personnel and Administrative Reforms
Department, Fort St.George, Chennai 600 009.

3.The Commissioner

Milk Production and Dairy Development
Department, Chennai 600 052.

... Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order in
W.P.No.5728 of 2018 dated 15.03.2018.

For Appellant : Mr.T.R.Sathiyamohan

For Respondents : Ms.G.Hema, Standing Counsel - for R1

Mr.M.Murali, Government Advocate-for RR 1 & 3



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J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

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This appeal has been directed against the order passed by the writ Court dated 15.03.2018 made in W.P.No.5728 of 2018.

2. The appellant was the writ petitioner, who participated in the selection process in the Combined Civil Services Examination-II in the year 2013-14 conducted by the respondent Tamil Nadu Public Service Commission (hereinafter referred to as 'TNPSC') for selection and appointment to various posts which included the post of Senior Inspector of Co-operative Societies in Milk Production and Dairy Development Department.

3. The petitioner / appellant was selected and her seniority was fixed at Sl.No.124 by the TNPSC on the basis of roster. However, subsequently this issue had come to the Hon'ble Supreme Court, where orders have been passed to fix the seniority by the selection authorities like the Service Commissions only based on merits ie., the marks obtained in the competitive examination and not based on the roster. This legal position since has been made clear and has been followed scrupulously by all parties concerned, the writ petitioner / appellant who was expecting such a revision of seniority, had approached the TNPSC. Her request has been turned down by a communication dated 07.09.2017, which was under challenge in the said writ petition. A learned Judge who heard the writ petition



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dismissed the same by the impugned order dated 15.03.2018.

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4. When the writ appeal is taken up for hearing today, Ms.G.Hema learned Standing Counsel appearing for the respondent TNPSC has submitted that, the seniority earlier fixed at the time of selection was based only on the roster and that was the system prevailing then. Thereafter, after the law having been settled by the Courts of law, every such selection that has been made where seniority has been fixed based on roster, has been re-visited and accordingly the seniority has been fixed based on the performance of the candidates ie., inter-se merit or otherwise the marks obtained by such candidates, and accordingly in respect of the present selection also which is in question, the appellant / petitioner originally was assigned seniority at Sl.No.124 based on the roster.

5. However, subsequently the learned Standing Counsel submitted that, the seniority since has been revised based on merits, accordingly she has been assigned the seniority at Sl.No.80 and in support of her contention the learned Standing Counsel has produced a communication dated 13.04.2022 along with the revised seniority list of candidates recruited for the post of Senior Inspector of Co-operative Societies in Milk Production and Dairy Development Department under the Tamil Nadu Cooperative Subordinate Services.



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6. We have perused the said document produced before this Court, including the revised seniority list where the original seniority position of the appellant / writ petitioner was Sl.No.124, which has been now revised and assigned to Sl.No.80. This has been made based on the marks obtained by the candidates in the selection process. The said statement made by the learned Standing Counsel appearing for the respondent TNPSC has not been controverted by the learned counsel appearing for the appellant.

7. In view of the aforesaid development during the pendency of the writ appeal, where, by re-visiting the seniority made in the year 2017 based on reservation, has been now amended as seniority based on merits and accordingly the appellant's seniority improved from Sl.No.124 to Sl.No.80, the grievance of the petitioner has been completely redressed. In view of the same, no further adjudication is required in this appeal. Accordingly, the writ appeal is disposed of by recording the aforesaid development. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J..) (G.A.M.,J.)
28.11.2023

Index : Yes/No
Internet : Yes/No
KST



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and
G.ARUL MURUGAN, J.

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