



W.P.(MD)No.2850 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.10.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.2850 of 2020
and W.M.P.(MD) No.2416 of 2020

1. S.Senthilvalli
2. U.Muruganantham
3. T.R.Srinivasan
4. K.Ibrahim Sait
5. M.Mohideen Abdul Kadar
6. M.Manimegalai
7. P.Ramkumar
8. S.Subbulakshmi
9. G.Birundha
10. S.Muthukumar

...Petitioners

-Vs.-

1. Government of Tamil Nadu,
Represented by its Secretary,
Personnel and Administrative Reforms (B) Department,
Secretariat,
Fort St. George,
Chennai-09.
2. Government of Tamil Nadu,
Represented by its Secretary,
Revenue and Disaster Management Department,
Secretariat,
Fort St. George,
Chennai – 600 009.



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- 3.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai – 600 005.
- 4.The Secretary,
The Tamil Nadu Public Service Commission,
TNPSC Road Park Town,
V.O.C. Nagar,
Chennai, Tamil Nadu - 600 003.
- 5.N.Velu
- 6.M.Subbiah
- 7.M.Muthumanimaran
- 8.M.Arumugam @ Selvakumar
- 9.B.Chitradevi
- 10.M.Dharmalingam
- (R5 to R10 are impleaded vide Court Order
dated 19.10.2023 in W.M.P.(MD) No.4080/
2020 in W.P.(MD) No.2850/2020 by SMSJ
and VLNJ)

...Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents herein to amend the Annexure III (A)(iii) of Rule 7(a) of the Tamil Nadu Revenue Subordinate Service Rules in so far as it insisted for 2 years service as Firka Revenue Inspector and must have passed the examination in the maintenance of revenue records and registration for promotion to the post of Deputy Tahsildar.

For Petitioner : Mr.C.Mahadevan

For Respondents : Mr.T.Amjadkhan
Government Advocate
for R1 to R3



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Mr.J.Anand Kumar
Standing Counsel for R4

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ of Mandamus has been instituted to direct the respondents to amend the Annexure III (A)(iii) of Rule 7(a) of the Tamil Nadu Revenue Subordinate Service Rules in so far as it insisted for 2 years service as Firka Revenue Inspector and must have passed the examination in the maintenance of revenue records and registration for promotion to the post of Deputy Tahsildar.

2. The petitioners were appointed on compassionate grounds and underwent Group – IV Examinations conducted by the TNPSC and appointed as Junior Assistants / Typists / Village Administrative Officers. Petitioners were promoted to the post of Assistants in the year 2013 onwards. Inter se Seniority between the direct recruits and promotees in the post of Assistant was not fixed is the grievance raised in the Writ Petition. The next avenue of promotion is to the post of Deputy Tahsildar and the Rules contemplates qualifications for such promotions.



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3. The petitioners state that Rules in force as of now needs to be amended since they were initially appointed as Typists / Junior Assistants and more so the Division Bench of this Court passed two orders on 30.08.2019 as follows:-

“(i) The rotation as per rule 9 of Annexure IX the Tamil Nadu Ministerial Service Rules viz 2:1 ratio for promottees and direct Recruits for fixing the inter-se-seniority list irrespective of the date of joining is mandatory.

(ii) The requirement of training of one year and eight months in the District Collectors Office continues to be in the rule book for the direct recruit Assistants to become eligible for further promotion as Deputy Tahsildars.”

4. The grounds raised in this regard would be insufficient for this Court to interfere with the power of an employer to prescribe educational qualifications and requisite departmental examinations for the purpose of grant of promotion.

5. Fundamentally, an employer is entitled to prescribe age limit, educational qualifications and experience and other requirements



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either for appointments or for promotions. The scope of judicial interference is restricted and it is for the employer to consider amendment of rules by prescribing lesser qualification or higher qualification to suit the needs and considering the relevancy of the post for which such conditions are prescribed. Thus, power of judicial review cannot be expanded in this area by issuing a direction to amend the service rules, which is the prerogative of the employer and thus, the grounds raised on merits by the petitioners deserve no merit consideration.

6. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[S.M.S.J.,] & [V.L.N.J.,]
19.10.2023

NCC :Yes/No
Index :Yes/No

SJ

1.The Secretary,
Personnel and Administrative Reforms (B) Department,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai-09.



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AND
V. LAKSHMINARAYANAN, J.

SJ

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Revenue and Disaster Management Department,
Government of Tamil Nadu,
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Chennai – 600 009.

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