



W.P(MD)No.7923 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7923 of 2023

Bala Subramaniyan

... Petitioner

Vs.

1.The Principal Secretary,
Rural Development and Panchayat Raj (E7) Department,
Secretariat, St.George Fort,
Chennai – 600 009.

2.The Director,
Rural Development Department,
Panagal Building, Saidapet,
Chennai – 600 015.

3.The District Collector,
Thanjavur District,
Thanjavur.

4.The Block Development Officer (Village),
Thiruvaiyaru Panchayath Union,
Thiruvaiyaru, Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents 1 and 2 to direct the 3rd respondent to include the petitioner's name in the panel for the for the promotion to the post of Assistant in the light of the departmental examination results published a TNPSC's bulletin extraordinary dated 07.08.2007, 16.08.2009 and 07.03.2011 within time limit as stipulated by this Court.

For Petitioner : Mr.S.Saravanakumar

For Respondents : Mr.T.Villavan Kothai,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner is working as Junior Assistant. His next promotional post is that of Assistant. To be considered for promotion, one must clear departmental examination. The petitioner has already passed the departmental examination. In the year 2017, a new syllabus was introduced. The Government took the stand that the petitioner to be considered for promotion to the post of Assistant must pass departmental



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examination again as per the new syllabus. The stand of the petitioner is that he cannot be called upon to once again write the departmental examination. According to him, the results already obtained by him must be taken into account. Since the petitioner's request for inclusion in the promotion panel was not considered, the present writ petition came to be filed.

3.The learned Additional Government Pleader relies on the communication bearing Na.Ka.No.36072/2020/B2 dated 06.10.2021 issued by the Director of Rural Development Department to the District Collectors in this regard. He pressed for dismissal of the writ petition.

4.The issue raised in this writ petition is no longer *res integra*. A learned Judge of this Court vide order dated 20.02.2023 in W.P.(MD)No.9589 of 2022 (S.Ramachandran vs. The Principal Secretary, Rural Development and Panchayat Raj (E7) Department and Others) had already decided the issue. It had been held therein that the candidate who had already passed the departmental examination before 2017 cannot be once again asked to write the departmental examination as per



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the new syllabus introduced in the year 2017. It was further held that the policy of the Government can operate only prospectively and it cannot have any bearing on the accrued vested rights of the employees. Therefore, the respondents will not insist that the petitioner should once again write the departmental examination as per the new syllabus. If the petitioner is otherwise eligible for promotion, his name shall be included in the promotion panel. The second respondent shall issue a communication in this regard to the petitioner in the light of this order within a period of six weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed on these terms. No costs.

21.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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