

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.5759 to 5762 of 2018
W.M.P(MD).Nos.5637 to 5648 of 2018

G.Deepan	... Petitioner in W.P(MD).No.5759 of 2018
K.Sangamithiran	... Petitioner in W.P(MD).No.5760 of 2018
S.Arunkumar	... Petitioner in W.P(MD).No.5761 of 2018
I.Chandrasekar	... Petitioner in W.P(MD).No.5762 of 2018

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary-cum-
Commissioner of Revenue Administration,
Revenue Department,
Chepauk,
Chennai-600 005.
- 2.Tamil Nadu Public Service Commission,
Rep.by its Secretary,
Frazer Bridge Road,
VOC Nagar,
Park Town,
Chennai-600 003.

3.The District Collector,
Pudukkottai District,
Pudukkottai.

... Respondents in all petitions

Common Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned notification issued by the second respondent in Notification No.7 of 2015 dated 30.04.2015 and set aside the same insofar as the recruitment to the post of Revenue Assistant (Now renamed as Senior Revenue Inspector) in Pudukkottai District is concerned and consequently direct the respondents 1 and 3 herein to promote the petitioners to the post of Senior Revenue Inspector.

In all cases

For Petitioners	: Mr.G.Chandra Sekar
For Respondents	: Mr.S.P.Maharajan Special Government Pleader for R1 and R3 Mr.J.Anand Kumar for R2

COMMON ORDER

The issue arising in the present writ petitions is one and the same and they are disposed of by way of this common order.

2. These Writ Petitions have been filed to call for the records pertaining to the impugned notification issued by the second respondent in Notification No.7 of 2015 dated 30.04.2015 and set aside the same insofar as the recruitment to the post of Revenue Assistant (Now renamed as Senior Revenue Inspector) in Pudukkottai District is concerned and consequently, direct the respondents 1 and 3 herein to promote the petitioners to the post of Senior Revenue Inspector.

3. The case of the petitioners is that the petitioners in W.P(MD).No.5759 to 5761 of 2018 were appointed as Junior Assistants and the petitioner in W.P(MD).No.5762 of 2018 was appointed as Typist. Their services were regularised and their probations were successfully declared by the third respondent. Thereafter, they have passed the departmental exams and have undergone Bhavani Sagar Training. Hence,

they are eligible to be promoted to the post of Senior Revenue Inspector (Assistant). In Pudukkottai District, 127 permanent posts of Senior Revenue Inspector (Assistant) are available. The mode of recruitment to the post of Senior Revenue Inspector (Assistant) is done by two methods (i.e.,) by promotion from the post of Junior Revenue Inspector (Junior Assistant) and by direct recruitment. Rule 38(b)(ii) of the Tamil Nadu Ministerial Service Rules has prescribed the ratio as 2:1 (i.e.,) two posts are to be filled up by promotion and one post is to be filled up by direct recruitment. Therefore, out of 127 permanent posts in the cadre of Senior Revenue Inspector (Assistant) in Pudukkottai District, 85 posts shall be filled up by promotion and 42 posts shall be filled up by direct recruitment. However, without following the Rules prescribed in Rule 38(b)(ii) of the Tamil Nadu Ministerial Service Rules, the present impugned Notification has been issued. Challenging the same, the present writ petitions have been filed.

4. The learned counsel appearing for the petitioners would submit that as per Rule 38(b)(ii) of the Tamil Nadu Ministerial Service Rules,

the petitioners are eligible to be considered to the posts of Senior Revenue Inspector (Assistant), since they are in-service candidates. However, without filling up the post by way of promotion, the respondents have decided to fill up the posts through open market which is not sustainable one. Hence, he prays for passing appropriate orders.

5. The learned counsel appearing for the second respondent would submit as per the backlog vacancy referred by the first respondent, the present impugned Notification has been issued and the total vacancy is 127. As per the calculation of 2:1 ratio, only 22 posts are sought to be filled up and not the entire posts. Further, in the absence of any interim order, the entire recruitment process has already been completed. Hence, the prayer sought for in the present writ petitions has become infructuous.

6. Considering the submission made by the learned counsel appearing for the second respondent and the fact that the entire recruitment process has already been completed, nothing survives for

adjudication in the present writ petitions. Accordingly, these Writ Petitions are dismissed. No costs. Connected miscellaneous petitions are closed.

09.02.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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