



W.P.No.32928 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.08.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.32928 of 2015

and

MP.No.1 of 2015

G.S.Syed Mahaboob Jailani

...Petitioner

Vs.

1.The Principal Secretary/Commissioner
(Commercial Taxes)
Ezhilagam, Cheapuk, Chennai.

2.The Joint Commissioner
Commercial Taxes
Dr.Balasundaram Road, Coimbatore.

3.The Deputy Commissioner
Commercial Taxes,
Kumaran Street, Thirupur.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to order dated 30.09.2015 in Ref.No.2847/2015/A2 passed by the second respondent, quash the same, further directing the second respondent to include the petitioner's candidature in the seniority list dated 10.09.2015 in Ref.No.2847/2015/A2 based on the representation dated 18.09.2015.



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For Petitioner : Mr.CD.Sugumar

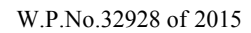
For Respondents : Mr.K.Vasanthamala

Special Government Pleader

ORDER

The petitioner herein was appointed as typist on 11.03.2013, pursuant to the selection made by the Tamil Nadu Public Service Commission and he was placed on probation for a period of two years in a continuous period of three years and accordingly the petitioner has completed the probation and also passed the requisite tests which were required to be passed within the period of probation. Accordingly, the probation of the petitioner was also declared by the respondents by issuing proceedings dated 27.07.2015 with effect from 14.03.2015.

2. It is thereafter, the second respondent prepared the seniority list of junior assistant/typist/senior typist as on 15.03.2015 eligible for promotion to the post of assistants and the name of the petitioner has been included in the said list at serial No.102 mentioning that he was not qualified. Therefore, the petitioner made a claim for inclusion of his name by treating him as qualified but the said request was rejected by the second respondent vide passing the impugned order dated 25.09.2013 stating that the petitioner has completed his probation on 31.03.2015 and therefore, he was not included in the said seniority



3. In response to the notice issued by this Court, respondents have filed a counter-affidavit contending that the petitioner has not completed his probation as on 15.03.2015 and therefore, the name of the petitioner was rightly not included in the seniority list, as qualified.

5. From the proceedings dated 27.07.2015 issued by the 3rd respondent, it is evident that the petitioner has successfully completed his probation on 15.03.2015 and the same was declared as such in the said proceeding. Though a copy of the said proceeding has been placed on record, the respondents have not stated anything about the said proceeding, in the counter-affidavit filed in this writ petition.

6. In the light of the above, the stand of the respondent that the petitioner has not completed his probation on 15.03.2015 and completed his probation only on 31.03.2015 cannot be sustained. Therefore, not including the name of the petitioner in the seniority list prepared through proceeding in reference No.2847/2015/A2 dated 10.09.2015 treating the petitioner as qualified is bound to be illegal and arbitrary. Consequently, the impugned order is also liable to be



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set aside and accordingly the same is hereby set aside. The respondents are further directed to include the name of the petitioner in the seniority list of Junior Assistant/ Typist / Steno-Typist at appropriate place by treating him as qualified as on 15.03.2015 and issue appropriate proceedings and other consequential proceeding in accordance with law.

7. Accordingly, this writ petition stands allowed. No costs. Connected Miscellaneous Petition is closed.

08.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No

To

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MUMMINENI SUDHEER KUMAR,J.

NST

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