



WEB COPY



W.P.No.11024 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11024 of 2022

V.Tharanga Raman

...Petitioner

-Vs-

1. The State of Tamil Nadu
Represented by its Secretary,
Personnel and Administrative
Reforms Department,
Secretariat, Chennai – 9.

2. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health & Family Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

3. The Director of Drugs Control,
Chennai – 600 006.

4. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai – 600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 prepare the seniority list for the purpose of promotion to the post of Deputy Government Analyst and further promotion on the basis of merit



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i.e., the marks scored in the selection by TNPSC for appointment to the post of Junior Analyst without considering the communal roster points/order of communal rotation stimulated in the selection list prepared by the TNPSC for appointment to the post of Junior Analyst in the Tamil Nadu Medical Service, 2000-01 by considering objection made by the petitioner dated 22.03.2022 and in accordance with law within a time to be stipulated by this Court.

For Petitioner : Mr.P.Ganesan
For Respondents
For R1 to R3 : Dr.T.Seenivasan
Special Government Pleader
For R4 : Mr.R.Baranidharan
Standing Counsel

ORDER

The writ petition has been filed to direct the respondents 1 to 4 prepare the seniority list for the purpose of promotion to the post of Deputy Government Analyst and further promotion on the basis of merit i.e., the marks scored in the selection by TNPSC for appointment to the post of Junior Analyst without considering the communal roster points/order of communal rotation stimulated in the selection list prepared by the TNPSC for appointment to the post of Junior Analyst in the Tamil Nadu Medical Service, 2000-01 by considering objection made by the petitioner dated 22.03.2022 and in accordance with law within a time to be stipulated by this Court.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. Pursuant to the seniority list published by the respondent, on 22.03.2022, petitioner has sent objection to the respondents, to consider the said seniority list only on the basis of merit i.e. marks secured by them to the appointment of new Junior Analyst, without taking note of the communal roster points/order of communal rotation for appointment to the post of new Junior Analyst, in the light of the decision rendered by the Hon'ble Supreme Court in SLA Nos. 2861- 2876 of 2020, confirming the judgment passed by this Court in the case of ***K. Raja and Others vs Additional Chief Secretary to Government and another*** reported in 2019 (6) CTC 750, wherein this Court has held that roster point cannot be the basis for seniority giving adequate reasons both on law and fact and declared Sections 1(2), 40(1) and 70 of the Tamil Nadu Government Servants Service (Conditions of Service) Act 2016 as ultra vires and unconstitutional. But so far, the petitioner's objection has not been considered by the respondent.



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3. The learned Special Government Pleader appearing for the respondents 1 to 3, submitted that the said objection of the petitioner, will be considered by the respondents by taking into account the applications pending before the Hon'ble Supreme Court.

4. In the light of the above, this Court will not go into merits of the case. However, directs the second respondent to consider the petitioner's objection dated 22.03.2022 and pass orders on its own merits and in accordance with law by taking into consideration the decision cited supra, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time the respondents shall not finalise the promotion to the post of Junior Analyst to Deputy Government Analyst.

5. With the above directions, the Writ Petition stands disposed of. There shall be no orders as to costs.

02.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
rts



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To
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Reforms Department,
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2. The Principal Secretary to Government,
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Health & Family Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.
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