



W.P.No.12498 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

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

W.P.No.12498 of 2022

and

W.M.P.Nos. 11968 to 11970 of 2022

1. R. Chitra Devi
2. Mercy Geraldin
3. C.Palani Kumar
4. R.Vijaya
5. P.Thinamaharajan
6. R.Rajendran
7. R.Saratha

...Petitioners

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Administration,
Secretariat, Chennai.

2. The Principal Secretary/
Commissioner of Revenue Administration,
O/o.The Principal Secretary/
Commissioner of Revenue Administration,
Ezhilagam, Chempauk,
Chennai.

3. The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar,
Park Town,
Chennai – 600 003.



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4. The District Collector,
Coimbatore District,
Coimbatore.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the fourth respondent vide his proceedings in ROC.No.21299/2018/A2 dated 29.04.2022 and quash the same as illegal in so far as fixation of seniority of the candidates selected for appointment by Direct Recruitment to the interview posts including the Combined Subordinate Services Examination-I, 2010-2011 more particularly the Revised Deputy Tahsildar Panel based on the BC/MBC/DNC Rotation, Graduate & Non-Graduate and also TNPSC Mark based seniority for the year 2018.

For Petitioner	: Mr.I.Calvin Jones
For R1, R2 & R4	: Dr.T.Seenivasan
For R3	: Mrs.C.N.G.Niraimathi
	Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned order passed by the 4th respondent dated 29.04.2022, thereby fixing the seniority of the candidates selected for appointment by Direct Recruitment to the interview posts.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



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3. A perusal of the counter filed by the fourth respondent reveals that the impugned proceedings dated 29.04.2022, which was originally published, inviting objections, if any, was subsequently cancelled. Considering the objections, the revised list was issued and published on 31.05.2022 by the fourth respondent, incorporating appropriate corrections, based on the objections received and also non-compliance of the order passed by the Hon'ble Supreme Court of India in SLP (C) 9628 of 2006 and 8848 of 2008.

4. The relevant portion of the counter filed by the fourth respondent is extracted hereunder.

“2. I submit that the claim of the petitioner for quashing the 4th respondent's proceedings No.21299/2018/A2 dated 29.04.2022 is baseless and untenable and the petitioner is put to strict proof of the contentions made by her in para 2 of the affidavit. It is submitted that the 4th respondent's proceedings No.21299/2018/A2 dated 29.04.2022 which was originally published, inviting objections, if any, was subsequently cancelled and the revised lists issued and published in proceedings No.21299/2018/A2 dated 31.05.2022 of the 4th respondent, incorporating appropriate corrections, based on the objections received and strictly complying with -



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a) the orders of the Hon'ble Supreme Court of India dated 08.04.2009 in SLP © 9628 of 2006 and 8848 of 2008 filed by Mr.Rathinaswami and Others, wherein it was held that the impugned rule, so far as it places Directly Recruited Assistants above the promotes for promotion as Deputy Tahsildar shall apply only to those promotes who are non-graduates but it is inapplicable to those promotes who are graduates,

6) the orders of the Hon'ble Supreme Court of India dated 22.01.2016 in SLP © 2886 of 2016 filed by the TNPSC wherein it was held that after the emergence of the Judgment in Minlesh Tanwar, the fundamental principle relating to drawal of seniority list was that it should be based on merit list of selection and that the list drawn based on roster points can have no application for the purpose of seniority list and accordingly dismissed the SLP filed by the TNPSC.

c) the orders of the Hon'ble Supreme Court of India dated 11.09.2018 in Civil Appeal No.9334/2018 to 9336/2018 in SLP [C] No.5588/2006, 5589/2006 and 7651/2006 wherein it was held that the rule of reservation set out in Rule 22 of the Tamil Nadu State and Subordinate Service Rules, read with the specific provisions of the Tamil Nadu Commercial Taxes Subordinate Service Rules, Tamil Nadu Registration Subordinate Service Rules and the Tamil Nadu Revenue Subordinate Service Rules govern the matter



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and benefit of reservation would be available in posts of Deputy Tahsildar, Assistant Commercial Tax Officer and Sub Registrar Grade II, for Backward Class category also following recruitment by transfer to the said posts.

d) the orders issued by the Government of Tamil Nadu in their G.O.(Ms) No.87, Revenue and Disaster Management Department, Services Wing [Ser.3(2)] Section dated 06.03.2019, wherein it was ordered to re-draw the temporary panels of Deputy Tahsildars drawn from the year 2004 to 2018 by providing rule of reservation to the Backward Class and Most Backward Class/DNC Candidates also along with Scheduled Caste/Scheduled Tribe candidates as per rules.

e) the orders of the Hon'ble Supreme Court of India dated 12.03.2019 in Civil Appeal Nos.251 – 256 of 2015, filed by A.Rajagopalan and others, wherein it was held that the benefit extended to the graduate promote Assistants by placing them on par with Direct Recruit Assistants is to be given effect to prospectively from the date of judgment of the Court dated 08.04.2009 rendered in the case of M.Rathinaswami Vs State of Tamil Nadu reported in (2009) 5 SCC 625 etc.,

f) the orders of the Hon'ble Division Bench of the High Court of Madras dated 15.11.2019 in W.P.Nos.998, 1147, 5735, 6649, 22852, 34311, 34312 of 2017, 7511, 8718 to 8720, 10021, 11150, 11151, 18725, 22136, 26442 and



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31156 of 2018 and W.A.No.2610 of 2019, wherein Sections 1(2), 40 and 70 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, fixing seniority as per roster system, were declared ultra vires and unconstitutional.

g) the orders of the Hon'ble Supreme Court of India dated 01.10.2021 in Contempt Petition No.638 of 2017 filed by Tr.V.Senthur and another, wherein it was directed to revise and publish the seniority list of those who were selected pursuant to the notification issued by the TNPSC on 10.09.1999 strictly on the basis of merit and not on the basis of roster.

h) the directions issued by the 2nd respondent herein, in Letter No.Ser 4(2)/2160/2020 dated 04.03.2022, to revise the combined seniority list of Assistants of the relevant years, based on the merits/marks obtained by the individuals in the Group II Examination conducted by the TNPSC, and to make consequent revisions to Deputy Tahsildar lists. Accordingly, the District Revenue Officer, Coimbatore, in proceedings No.7450/2022/A3 dated 31.03.2022, revised and published the combined seniority list of Senior Revenue Inspector for the years 2009 to 2015, strictly based on the merits/marks obtained by the individuals in the Group II Examinations conducted by the TNPSC.

i) the directions issued by the 2nd respondent herein, in Letter No.Ser 3(3) /42324/2013 dated 04.04.2022, to revise the lists of Deputy Tahsildars, in such a manner that



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the names appearing after / excluding the names against backlog vacancies, should be rearranged in such a manner that all the Directly Recruited Assistants and Graduates are placed first, as per their placements in the list, and then finally all the Non-graduate promotes categorized and listed, as per their seniority in the list.

5. In view of the above, this Writ Petition lacks merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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Secretariat, Chennai.

2. The Principal Secretary/
Commissioner of Revenue Administration,
O/o.The Principal Secretary/
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
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3. The Secretary,
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