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W.P.No.13880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.13880 of 2024 &
W.M.P.Nos.15051, 15053 and 20440 of 2024

G.Kumar

... Petitioner

Versus

1. The District Collector,
Sathuvaachari,
Vellore District

2. The District Collector,
Thirupattur,
Thirupattur District – 635 601

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus by calling for the records of the 2nd respondent in Proceeding no.COLREV/9163/2022-A1 dated 13.05.2024 and the consequential order of the 2nd respondent in proceedings No.COLREV/12376/2022-A1 dated 13.05.2024 quash the same and consequently direct the respondents to consider the petitioner's representations dated 08.06.2022 ad 05.04.2024 within a time frame.



W.P.No.13880 of 2024

WEB COPY

For Petitioner : Mr.A.Sivaji

For Respondents : Mr.R.Neelakandan
Additional Advocate General – VIII
assisted by
Mr.K.Surendran for R1 and R2
Additional Government Pleader

ORDER

This petition is filed for an issuance of a Writ of Certiorarified Mandamus by calling for the records of the 2nd respondent in Proceeding No.COLREV/9163/2022-A1 dated 13.05.2024 and the consequential order of the 2nd respondent in proceedings No.COLREV/12376/2022-A1 dated 13.05.2024 quash the same and consequently direct the respondents to consider the petitioner's representations dated 08.06.2022 ad 05.04.2024 within a time frame.

2. According to the petitioner, on 14.07.2003, the petitioner is appointed temporarily as Junior Assistant in the office of Tahsildar, Poonamallee, Thiruvallur District and worked from 15.07.2003 to 02.06.2009. Thereafter, the petitioner was appointed as Junior Assistant by direct recruitment by Tamilnadu Public Service Commission vide letter



W.P.No.13880 of 2024

WEB COPY

no.2564/2009 dated 07.05.2009. The petitioner was regularised as Junior Assistant from 03.06.2009 and promoted as Assistant from 19.05.2013 to 21.06.2017 in the taluk offices at Walaja and Arakonam. Subsequently, the petitioner was promoted to Deputy Tahsildar and worked as Superintendent in Vellore District from 22.06.2017 and promoted to the post of Tahsildar on 02.06.2020. On 19.04.2022, the 1st respondent issued the revised seniority list of Deputy Tahsildar's panel dated 01.04.2022 in Vellore District for the year 2017 and the petitioner's name was not included in the said list issued by the 1st respondent. Therefore, the petitioner was compelled to make a representation dated 08.06.2022. In the meanwhile, this Court in W.P.No.27900 of 2018 passed an order on 15.03.2023, wherein the Government was directed to pass order regularising the services of all the petitioners and accordingly, vide G.O.(MS) No.65 dated 27.02.2024, the Government has amended the Special Rules for Tamilnadu Revenue Authorities and again the petitioner submitted a representation dated 05.04.2024. All of a sudden, the 2nd respondent passed two orders, dated 13.05.2024 and 17.05.2024, wherein the 1st order is the reversion from Tahsildar to Deputy Tahsildar and the 2nd order is posting order in the reverted rank as Superintend office. As against the same, the



W.P.No.13880 of 2024

petitioner has come up with this petition.

WEB COPY

3. Per contra, the learned Additional Advocate General – VIII appearing for respondents 1 and 2 submits that the petitioner had passed 10th Standard and Diploma in Mechanical Engineering (3 years course) and thereafter, he pursued M.A.(Public Administration) through Open University without doing graduation, so the petitioner has not studied 10+2+3 pattern. The petitioner made representations to the respondents dated 08.06.2022 and 05.04.2024 requesting that he has to be considered as a graduate and to be considered to include his name in the year 2017 panel of Deputy Tahsildar, but as per GO Ms.242 Higher Education dated 18.12.2012, he is not considered as a Graduate. As per Order made in W.P.No.27900 of 2018 dated 15.03.2023, the regularisation of all the petitioners could not be processed in District Level as it is under Government Policy. The seniority list of panel 2017 as Deputy Tahsildar was only made based upon merit seniority, as per Hon'ble Apex Court order. Therefore no violation is made, thereby pleaded to dismiss the petition.

4. Heard the learned counsel on either side and perused the



W.P.No.13880 of 2024

documents placed on record.

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5. On going through the documents placed on record it is seen that the petitioner has been given promotion on wrong premises at the earlier point of time and the petitioner is reverted, now the petitioner is seeking for promotion to the Tahsildar. It is the contention of the petitioner that the petitioner on earlier occasion has filed W.P.No.18074 of 2024 and this Court, by an order dated 03.07.2024 directed the respondents herein to forward the petitioner's representations dated 08.06.2022 and 05.04.2024 to the State Government and Revenue Department within a period of two weeks and thereafter, the respondents were directed to consider the representations within a period of twelve weeks.

6. In compliance to the same, the learned Additional Advocate General appearing for the respondents has produced a proceedings in Na.Ka.A1/E.2094725/2024 dated 08.8.2024 addressed by the District Collector, Vellore District to the Additional Chief Secretary, Chennai and on perusal of the same, a detailed proposal has been sent. Further, it is reported that matter is pending consideration before the Government and



W.P.No.13880 of 2024

that they are on the verge of completion and pleaded to grant some time.

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7. The learned counsel for the petitioner restricts his prayer stating that it would suffice if the representation of the petitioner is considered.

8. Without expressing any opinion on the merits of the matter, this Court, taking note of the fact that the matter is on the verge of completion before the Government and the fact that since the records will speak about the petitioner's service, the service records of the petitioner shall be scrutinized, and thereafter, the respondents are directed to consider the representation of the petitioner, [which is elaborate and extensive], on merits and in accordance with law and pass appropriate orders on or before 20.12.2024.

With the above observation, the Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

03.12.2024

Index : Yes/No

Internet: Yes / No

Speaking order : Yes/No

**Note: Registry is directed to issue
order copy on 05.12.2024**



W.P.No.13880 of 2024

To

1. The District Collector,
Sathuvaachari,
Vellore District
2. The District Collector,
Thirupattur,
Thirupattur District – 635 601



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W.P.No.13880 of 2024

V.BHAVANI SUBBAROYAN, J.

ssd

W.P.No.13880 of 2024

03.12.2024