IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 04.03.2024

PRONOUNCED ON : 27 .03.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.19409 of 2022
& 26986, 27276, 31608 of 2023
& 1553 of 2024 and Cont.P.No.375 of 2024
and W.M.P.Nos.18717, 18718 of 2022
& 26418, 26419, 26420, 26710, 26712, 26715, 31238 of 2023
& 1079, 1570, 1576 & 4014 of 2024

W.P.No.19409 of 2022 :-

1. S.Srinivasan
2. G.Sugumar
3. G.Elumalai
4. R.Thamizharasan
5. K.Manivannan
6. G.Muthu
7. R.Ramesh
8. M.Prakasam
9. G.Sasikumar
10. G.Sangeetha
11. P.Charles
12. K.Kanchana
13. P.Balaji

14. K.Veeramani ...Petitioners

-Vs-

1. The State of Tamilnadu,
   Rep. by its Additional Chief Secretary,
   Revenue and Disaster Management Department,
   Fort St. George, Secretariat,
   Chennai – 600 009.

2. The Additional Chief Secretary
   cum Commissioner,
   Revenue Administration,
   Chepauk,
   Chennai – 600 005.

3. The District Collector,
   Kancheepuram.

4. The District Collector,
   Chengalpet.

5. E.Gopi
6. S.Jagadeesh
7. N.Pushparani
8. M.Puthiappan
9. A.Venkatesan
10. R.Shanmugam
11. D.Raja
12. S.Sridhar
13. G.Jayakumar
14. E.Murugan
15. S.Balasubramani
16. R.Vasuki

17. S.Nirmala
18. C.Jayashree
19. R.Periamariammal
20. T.Jayalakshmi
21. R.Gurusheela
22. P.Kavitha
23. G.Bhuvaneshwari
24. S.Jayashree
25. N.Rama
26. R.Jeevitha
27. S.Renuka Devi
28. K.N.Vadharajan
29. M.Bharathi
30. I.Vijayalakshmi ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, Calling for the records relating to the proceedings of the third respondent herein in Rc.No.06/2022/A3 dated 02.05.2022, quash the same and consequently direct the second Respondent herein to prepare the panel for promotion as Deputy Tahsildars for the panel year 2018 strictly in accordance with existing Special Statutory Rule, Tamil Nadu Revenue Subordinate Service Rule 7(a), Anexure III A(ii), Proviso 4, i.e. the consideration of the petitioners (Direct Recruit Assistants) shall be against the first vacancy i.e. follows the carry over vacancies and to rearrange the seniority as per proviso 1 of the Schedule 11 in Section 7(1) of TNGS (Condition of Service) Act, 2016, and consequently to grant promotion to the petitioners with probation and all other service and monetary benefits since 2018 i.e., panel year 2018 after giving necessary police training. *(Prayer amended vide order dt. 03.08.2023 made in WMP.30004/2022 in WP.19409/2022)*

In W.P.No.19409 of 2022

For Petitioners	: Mr.AR.Karthiklakshmanan
For Respondents	
For R1 to R4	: Mr.Haja Nazirudeen Additional Advocate General Assisted by Mrs.V.Yamuna Devei Special Government Pleader
For R5 to 10, 12 to 16 18 to 25 & 27 to 29	: Mr.Koviramalingam

In W.P.No.26986 of 2023

For Petitioner	: Mr.G.Sankaran, Senior Counsel For Mr.G.Mani Prabhu
For Respondents	
For R1 to R3	: Mr.Haja Nazirudeen Additional Advocate General Assisted by Mrs.V.Yamuna Devei Special Government Pleader
For R4 to R10	: Mrs.Nalini Chidambaram Senior Counsel For Mrs.C.Uma

In W.P.No.27276 of 2023

For Petitioners	: Mr.S.Vijayakumar, Senior Counsel For Mr.M.Loganathan
For Respondents	
For R1 to R3	: Mr.Haja Nazirudeen Additional Advocate General Assisted by Mrs.V.Yamuna Devei Special Government Pleader
For R4	: Mr.R.Bharanidharan
For R5 to R13	: Mrs.Nalini Chidambaram Senior Counsel

For Mrs.C.Uma

In W.P.No.31608 of 2023

For Petitioners : Mr.S.Vijayakumar, Senior Counsel
For Mr.M.Loganathan
For Respondents
For R1 to R4 : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by Mrs.V.Yamuna Devei
Special Government Pleader and
Mr.P.Haribabu, Government Advocate

In W.P.No.1553 of 2024

For Petitioners : Mr.M.Loganathan
For Respondents
For R1 to R4 : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by Mrs.V.Yamuna Devei
Special Government Pleader
For R6 to R10 : Mrs.Nalini Chidambaram
Senior Counsel
For Mrs.C.Uma
For R11 to R14 : Mrs.Dakshyani Reddy
Senior Counsel
For Mrs.S.Suneetha

In Cont.P.No.375 of 2024

For Petitioners : Mr.S.Vijayakumar, Senior Counsel
For Mr.M.Loganathan
For Respondents
For R1 to R3 : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by Mrs.V.Yamuna Devei
Special Government Pleader

COMMON ORDER

All the writ petitions except W.P.No.1553 of 2024, have been filed challenging the panel for promotion to the post of Deputy Tahsildar to Tahsildar. The writ petition in W.P.No.1553 of 2024 has been filed challenging the order passed by the District Collector, Krishnagiri, dated 16.10.2023, related to the panel of Deputy Tahsildar/Tahsildar insofar as the non inclusion of the petitioners and the consequential order passed by the District Collector, Krishnagiri, thereby promoting the respondents 6 to 14 to the post of Tahsildar and reverted the petitioner from the cadre of Tahsildar to the post of Deputy Tahsildar.

2. The Contempt Petition has been filed for non compliance of the order dated 24.01.2024, passed by this Court in W.M.P.No.1576 of 2024 in W.P.No.1553 of 2024, thereby granting order of interim stay.

3. All the petitioners have challenged the panel for promotion to the post of Deputy Tahsildar to Tahsildar. They also challenged the order of promotion to the private respondents to the post of Tahsildar and order of reversion thereby reverting the petitioners from the post of

Tahsildar to the post of Deputy Tahsildar. Therefore, this Court is inclined to pass common order in all the petitions.

4. The petitioners were originally appointed as Assistants by direct recruitment through Tamil Nadu Public Service Commission (hereinafter called as "TNPSC"). Thereafter, they had completed departmental test and also completed two years Firka Revenue Inspector training as well as one year Assistant training in the Collector's Office. These trainings are mandatory as per Section 38(b)(ii) r/w Annexure-IX of the Tamil Nadu Ministerial Service Rules. Thereafter, based on the seniority and eligibility, they were promoted to the post of Deputy Tahsildar on inclusion of their name in the panel of the year 2018. Subsequently, after completion of their probation period in the post of Deputy Tahsildar as well as police training for six weeks as required by the Tamil Nadu Revenue Subordinate Service Rules, they became eligible for promotion to the post of Tahsildar. Accordingly, the petitioners in W.P.No.1553 of 2024 were given promotion to the post of Tahsildar, on merit basis seniority list revised by the TNPSC in pursuant to the order passed by the Hon'ble Supreme Court of India.

5. While being so, the Commissioner Revenue Administration issued proceedings dated 04.03.2022, thereby directed all the District Collectors for revision of seniority list of directly recruited Assistants for the years 2008-2011 and 2013-2014. Further directed to revise the combined seniority list of the Assistants to the relevant years and to make consequent revisions to Deputy Tahsildar so as to avoid contempt proceedings by the Hon'ble Supreme Court of India. Based on the said direction, the District Collector, Krishnagiri, redrawn the Deputy Tahsildar panel for the year 2004-2021 for the Krishnagiri revenue unit.

6. Accordingly, the petitioners' name were rightly included in the panel for the post of Deputy Tahsildar for the year 2018. Consequently, the District Collector, Krishnagiri, issued notification dated 20.03.2023 for year wise panel from 2004-2021 for the post of Deputy Tahsildar. There was objection raised by the individual against the revision of Deputy Tahsildar panel. After considering the objections received from the individual, the Commissioner of Revenue Administration, by an order dated 27.06.2023 cancelled revised panel

notification dated 20.03.2023 and directed to redraw the panel of Deputy Tahsildar from the year 2009. The said order was passed on the ground that Section 27(f) of the Tamil Nadu Government Servants (Conditions of Services) Act, 2016 (hereinafter referred to as “the TNGS Act”) was not followed from the year 2009, in as much as the persons belong to reserved categories found eligible on the crucial date have not been included in the revise panel of Deputy Tahsildar.

7. Thereafter, the the District Collector, Krishnagiri, issued proceedings dated 31.08.2023, thereby redrawn the panel of Deputy Tahsildar for the year 2019-20. As per the revised seniority list, though the petitioner's name were included for the year 2018, the private respondents were also included over and above the petitioners on the pretext of including the persons belong to the reserved categories within the carried forward vacancies in accordance with Section 27(f) of the TNGS Act. The said panel also stated that if any aggrieved person can make objections to the Commissioner of Revenue Administration. However, within a period of five days viz., on 05.09.2023, the District Collector, Krishnagiri, issued revised panel to the post of Tahsildar for

the year 2012-22 wherein the petitioners' name were omitted due to the inclusion of the respondents 6 to 14 in W.P.No.1553 of 2014. Therefore, now they were facing reversion from the post of Tahsildar to the post of Deputy Tahsildar. Hence, the present writ petitions.

8. Mr.Vijayakuamr and Mr.G.Sankaran, learned Senior Counsel appearing for the petitioners submitted that the respondents 4 to 11 in W.P.No.26986 of 2023, were not at all eligible to be included in the panel for the year 2022, on the ground that they were not even completed the Revenue Inspector Training as on 15.09.2018. Rule 38(b)(ii) r/w Annexure-IX which include passing of departmental tests as well as completion of two years Revenue Inspector training and one year Assistant training in Collector's office. As per Ministerial Service Rule, the directly recruited Assistants shall be eligible for promotion to any selection category post only on passing of departmental test as well as three years Revenue Inspector training and one year Assistant training in collector office.

8.1. He further submitted that as per proviso to Section 27(f) of the TNGS Act, unfilled vacancy reserved for SC/ST to be filled up by the recruitment by transfer or by promotion shall be carried over to four consecutive recruitment years viz., year of recruitment plus three subsequent recruitment years. Proviso to Section 27(f) of the TNGS Act says that nominal number of vacancies reserved for the candidates belongs to SC/ST and the carried forward vacancies as satisfied in the first provision shall not exceed fifty percent of the total vacancies. Further the candidates belong to reserved category can be considered for inclusion in the carried forward vacancies only if qualified in the passing of departmental test and completion of Revenue Inspector training. But the respondents 4 to 11 in W.P.No.26986 of 2023, were not qualified with Revenue Inspector training as on the crucial date i.e., on 15.09.2018. They were completed their Revenue Inspector training only in the year 2019, 2020 & 2021 respectively.

8.2. As per the revised panel for promotion to the post of Deputy Tahsildar for the year 2009-22, two months time was given for raising objection to the Commissioner of Revenue Administration. However, without giving any time, the third respondent proceeded to draw the revised panel for the post of Tahsildar of the year 20012-22, that too within five days by the proceedings dated 05.09.2023. Therefore, it is clear violation of principles of natural justice.

8.3. They further submitted that if any Deputy Tahsildar failed to complete police training for two months, they shall not be eligible for the post of Tahsildar as per the Rule 7 of the Tamil Nadu Revenue Subordinate Services Rules. As per Rule 8 of the Tamil Nadu Revenue Subordinate Services Rules, every person appointed as Deputy Tahsildar shall, from the date on which he/she joined duty, be on probation of two years on duty within a continuous period of three years. Therefore, the Deputy Tahsildar would become eligible for promotion to the post of Tahsildar only on declaration of probation and on completion of police training as mandatory under the Revenue Subordinate Service Rules.

8.4. Further the direct recruit to the post of Deputy Tahsildar cannot be included in the carried forward vacancies and they are entitled to be included only against the first vacancy that follows the carried over the vacancy as per Revenue Subordinate Service Rules. Whereas the respondents 4 to 11 in W.P.No.26986 of 2023, had been included in the carried forwarded vacancies though they were directly recruited as Assistant by violation of conditions of service rules.

8.5. All the petitioners in W.P.No.1553 of 2024 were reverted from the post of Tahsildar to the post of Deputy Tashilar without any notice and without giving any opportunity. Therefore, it is clear violation of principles of natural justice as per the order of the Hon'ble Supreme Court of India. The petitioners were rightly placed in the panel in the post of Deputy Tahsildar for the year 2018. Therefore, the petitioners filed writ petitions challenging the order dated 27.06.2023 passed by the the Commissioner of Revenue Administration, thereby cancelled the panel of the year 2009-2022 to the post of Deputy Tahsildar and had given instructions to re-draw the panel dated 31.08.2023 to the post of Deputy Tahsildar for the year 2009-2022. While pending the writ petitions based on the revised panel of the Deputy Tahsildar, the petitioners were reverted to the post of Deputy Tahsildar by the impugned order dated 13.01.2024, thereby promoted the respondents 6 to 14 in W.P.No.1553 of 2024 to the post of Tahsildar.

8.6. In support of their contention, they relied upon the judgment reported in ***2018 SCC OnLine SC 3867*** in the case of ***Government of Tamil Nadu and anr Vs. Registration Department and anr.,*** which held as follows :-

> *"11. If that is so, the rule of reservation set out in Rule 22 of the 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 would govern the matter and benefit of reservation would be available in posts of Deputy Registrar, ACTO and Sub-Registrar Grade II for Backward Class category also following recruitment by transfer to the said posts.*
>
> *12. The view taken by the High Court that such appointment by transfer amounts to promotion being without any consideration of the provisions of the Rules we are of the view that the High Court has committed an error in overlooking the definition of the terms "Promotion" and "Transfer" as contained in the said Rules and in applying the pirinciples of general application that would be applicable to determine*

> *whether recruitment to a higher post is by way of promotion."*

Accordingly, post of Deputy Tahsildar is concerned recruitment is purely and only by transfer from members of other services.

8.7. They also relied upon the judgment reported in ***2015 SCC OnLine Mad 362*** in the case of ***N.Santosh Kumar Vs. The Tamil Nadu Public Service Commission and ors*** in which the Hon'ble Division Bench of this Court held that Clause (4) and (4-A) of the Article 16 of the Constitution of India, while enabling the State to make provision for reservation of appointments in favour of Backward Classes of citizens, also enables the State to make any provision for reservation in matters of promotion only in favour of Scheduled Castes and Schedules Tribes and not in favour of Backward classes. The Hon'ble Division Bench also held as follows :-

> *"67. Therefore, the clear dicta of the Supreme Court is that a reserved category candidate getting accommodated against the general turn, should not be made to suffer on account of being more meritorious. But what has happened in the cases on hand is that meritorious reserved category candidates, whom the*

Supreme Court chose to call by the acronym "MRCs" got allotted by virtue of their merit against the roster points intended for general turn (merit) and consequently got placed lower than their counter parts, who are less meritorious and who were accommodated against roster points high in the order. This is why the learned Judge could not reject the claim of the appellants as devoid of merit. Hence, the first contention of the respondents that they gained seniority on the basis of a judgment that held the filed at that time, is unacceptable.

CONTENTION-2 (BASED ON RULE POSITION)

68. Placing reliance upon Rule 35(a) of the General Rules for Tamil Nadu State and Subordinate Services, it is contended by some of the learned senior counsel for the respondents that even as per the statutory rules in force, the roster point determines the seniority of an individual and that therefore, Bimlesh Tanwar can have no application. According to the learned senior counsel for the respondents, it is not the judicial pronouncements, either in P.S.Ghalaut or in Bimlesh Tanwar, but only the statutory rule that should determine the seniority of the rivals. In support of this contention, they rely upon the ratio laid down in Uttaranchal Forest Rangers' Association vs. State of U.P. [(2006) 10 SCC 346], wherein it was held that seniority has to be decided on the basis of the rules in force on the date of

appointment. The learned senior counsel for the contesting respondents also rely upon the decision in Union of India vs. S.K.Saigal [(2007) 14 SCC 556], wherein it was held that in the absence of a challenge to the statutory rules, the mandate of the rules cannot be ignored.

....

CONCLUSION

84. It will be clear from the above discussion (i) that the decision of the respondents to treat the 100 point roster itself (prevailing at that time) as the seniority list, on the basis of the decision of the Supreme court in P.S.Ghalaut, was not correct in view of the peculiarity of the roster in the State (ii) that in any case, the decision rendered in P.S.Ghalaut was declared as not a good law in Bimlesh Tanwar in the year 2003, without specifically invoking the doctrine of prospective overruling (iii) that at any rate, the first ever seniority list was released by the Engineer-inChief of the Highways department only on 29.4.2004, which was subsequent to the decision in Bimlesh Tanwar (iv) that all other proceedings issued prior to 29.4.2004, on which reliance is placed by the respondents to attribute knowledge of the seniority position to the appellants herein, did not speak about fixation of seniority specifically and hence the first seniority list should be taken to have been issued only on

29.4.2004 and (v) that therefore, the seniority of the appellants vis-a-vis the other selectees under the notification dated 10.7.1999 should be determined only with reference to the rank assigned to them by the Service Commission in terms of rule 35 (a) of the General Rules for Tamilnadu State and Subordinate Services and not as per the roster. Therefore, the appellants are entitled to succeed."

Thus it is clear that the seniority of the candidates in the direct selection should be made only on merits and not based on the roster.

9. The District Collector, Krishnagiri, filed counter and Mr.Haja Nazirudeen, learned Additional Advocate General appearing for the official respondents submitted that the panel list of Deputy Tahsildars dated 31.08.2023 was revised and redrawn as per the orders of the Hon'ble Supreme Court of India and also as per the order of the government in G.O.(Ms)No.87, Revenue and Disaster Management Department, Services Wing (Ser.3(2))Section dated 06.03.2019. The seniority was fixed as per the seniority list furnished by the TNPSC. But the panel list of Deputy Tahsildars was drawn as per the Tamil Nadu Revenue Subordinate Services Rules. Therefore both the panel list of

Deputy Tahsildar as well as the Tahsildar are legally correct and as per the guidelines issued by the Hon'ble Supreme Court of India. Accordingly the seniority list in the initial stage at the time of appointment of Assistants is not applicable at the time of promotion.

9.1. That apart, there is alternative remedy of appeal as against the drawl of panel of Deputy Tahsildar as well as Tahsildar. Therefore, the writ petitions are not maintainable. When the affected persons raised objections on the panel to the post of Deputy Tahsildar, the Commissioner of Revenue Administration cancelled the same and directed the District Collector to redraw the panel for Deputy Tahsildar and also pointed out that Section 27(f) of TNGS Rules has not been correctly followed and few other eligible employees belong to the reserved category have not been included and placed in the said panel from the year 2009.

9.2. Insofar as non qualification on the crucial date viz., on 15.09.2018 is concerned, a proposal for relaxing Rule 7(a) of the Tamil Nadu Revenue Subordinate Service Rules has been sent to the government for relaxation. There are provisions in the Tamil Nadu Revenue Subordinate Service Rules to relax the rules while drawal of panel to the post of Deputy Tahsildar. However 50% of vacancies under the carried over vacancy have not at all filled up. Less than 50% of vacancies have been filled up. Though the respondents 4 to 11 in W.P.No.26986 of 2023, have not been completed the training of Revenue Inspector on the crucial date, they were fully qualified in the post of Deputy Tahsildar. Further proposal have been sent for relaxation to relax the Rule 7(a) of the Tamil Nadu Revenue Subordinate Service Rules.

10. Mrs.Nalini Chidambaram and Mrs.Dakshayani Reddy, learned Senior Counsels appearing for their respective private respondents submitted that though the District Collector had drawn the panel to the post of Deputy Tahsildar in compliance of the order passed by the Hon'ble Supreme Court of India, they failed to apply the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.9334 of 2018 dated 11.09.2018, whereby held that Rule of reservation as prescribed in erstwhile Rule 22 of the Tamil Nadu Revenue Subordinate Services would apply for appointment to the post of Deputy Tahsildars.

10.1. Therefore the private respondents raised objections by way of appeal before the Commissioner of Revenue Administration. Considering the said objections the Commissioner of Revenue Administration directed the District Collector to redraw the panel to the post of Deputy Tahsildar as well as Tahsildar by following the judgments of the Hon'ble Supreme Court of India.

10.2. Accordingly, the District Collector had drawn fresh seniority list dated 16.10.2023 to the post of Deputy Tahsildar thereby private respondents were placed in their respective places above the petitioners. Simultaneously, the District Collector had redrawn the panel to the post of Tahsildar for the years 2022. Accordingly, the private respondents were promoted to the post of Tahsildar. In fact, they were promoted to the post of Deputy Tahsildar after completion of their Revenue Inspector training during the year 2019-2021. Whereas the petitioners had completed their Revenue Inspector training during the year 2016-2019 and they were promoted to the post of Deputy Tahsildar during the year 2018-19.

10.3. Insofar as the appointment to the post of Tahsildar, the private respondents were included in the panel for promotion for the post of Tahsildar in the year 2022. However, the petitioners were not included in the panel for the post of Tahsildar. Based on the final seniority in the post of Tahsildar dated 16.10.2023, the petitioners in W.P.No.1553 of 2024 were reverted back to the post of Deputy Tahsildar and the private respondents were promoted to the post of Tahsildar.

10.4. Initially, the District Collector had drawn the panel to the post of Tahsildar as against the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.9334 of 2018 dated 11.09.2018, thereby held that the rule of reservation vide Section 27(f) of the Tamil Nadu Government Servant Conduct Rules shall apply to the post of Deputy Tahsildar. Insofar as the Revenue Inspector training is concerned the private respondents were sent to that training belatedly. It is not their fault. As a matter of the entire seniority list which has been hitherto prepared with respect to all the departments had to be revised based on the judgment of the Hon'ble Supreme Court of India held that merit should be criteria for preparation of seniority roster. As per the government order in G.O.(Ms.)No.10 dated 13.01.2023, the government has relaxed the Rules 7(b) and 8A of the Tamil Nadu Revenue Subordinate Services Rules.

10.5. Further submitted that backlog vacancies which have not been filled up during the prior four years had been carried over to the year 2018. It had been filled up in as much as the Rule 27(f) of the Tamil Nadu Government Servant Conduct Rules, prescribed the above methodology to be adopted and mandates that first backlog vacancies have to be filled up and then alone the regular roster system shall be applied. Accordingly, the District Collector had followed the methodology and had drawn the panel to the post of Deputy Tahsildar as well as Tahsildar.

11. Heard the learned counsel appearing on either side and perused the material placed before this Court.

12. All the petitioners and the private respondents were initially appointed to the post of Assistant through combined subordinate service examination conducted by the TNPSC. Thereafter, they were promoted to the post of Deputy Tahsildar. Subsequently they were promoted to the post of Tahsildar except some of the petitioners. Initially, the District Collector, Krishnagiri District, published panel to the post of Deputy Tahsildar as well as the Tahsildar and the same were in violation of judgment of the Hon'ble Supreme Court of India. Therefore, the Commissioner of Revenue Administration published the revised seniority list of the candidates who recruited for the post of Revenue Assistant for the recruitment year 2008-2011 and 2013-2014 enabling the district administration to issue promotion based on the rank list/merit seniority assigned by the TNPSC, instead of roster seniority.

13. Further as per the order passed by the Hon'ble Supreme Court of India and this Court, the District Collector, Krishnagiri, had published redrawn panel to the post of Deputy Tahsildar for the year 2004-2021 on 16.05.2022. Further the District Collector, Krishnagiri, had issued panel to the post of Tahsildar for the year 2022 and placed

one respondent namely N.Vetrivel as Sl.No.3 and placed the petitioners below to him, though they were placed above him as per the revised merit seniority list.

14. Therefore, the Commissioner of Revenue Administration issued circular dated 29.05.2023, directing all the District Collector to ensure strict adherence of special rule 38(b)(ii) r/w annexure-IX of Tamil Nadu Ministerial Services Rules and Rule 7(a) read with annexure-IX of the Tamil Nadu Revenue Services Rules and also to ensure only the names of the fully qualified persons alone be included in the panel of Deputy Tahsildar. Accordingly, the District Collector had issued panel to the post of Deputy Tahsildar dated 16.05.2022. However, on the objections received from the private respondents, the Commissioner of Revenue Administration cancelled the panel to the post of Deputy Tahsildar on 27.06.2023. However, the petitioners were not given any opportunity of hearing and it is clear violation of principles of natural justice.

15. Thereafter, as directed by the Commissioner of Revenue Administration, the District Collector, Krishnagiri, had redrawn the panel to the post of Deputy Tahsildar for the year 2009-2022 on 31.08.2023, thereby placed the private respondents above to the petitioners for the year 2018 panel on account of scheduled castes carried over vacancies, though they were not qualified to the post of Deputy Tahsildar. Though the said panel 31.08.2023, provided two months time to raise objections, the District Collector, Krishnagiri, further published the panel to the post of Tahsildar on 05.09.2023 i.e., within five days from the date of panel to the post of Deputy Tahsildar dated 31.08.2023. In the said panel also, the other unqualified persons were placed above the petitioners that too without any amendment/relaxation to Rules 7(b) & 8(a) of the Tamil Nadu Revenue Subordinate Services Rules.

16. Admittedly, they were not undergone for the training of Revenue Inspector as on the crucial date. Though the learned Senior Counsel appearing for the private respondents as well as the learned Additional Advocate General contended that the proposal has been sent to the government for relaxation, similar request made for relaxation was

rejected by the communication dated 26.02.2024, on the ground that to the post of Deputy Tahsildar it is mandatory to complete all the training since it is field work. Therefore, no relaxation can be granted.

17. Rule 38(b)(ii) r/w Annexure-IX of the Tamil Nadu Ministerial Service Rules provides for service qualification which include passing of departmental tests as well as completion of two years Firka Revenue Inspector training and one year Assistant training in the Collector Office. Provisions 38(b)(ii) r/w Annexure-IX of the Tamil Nadu Ministerial Service Rules is reads as follows :-

"8. Every person appointed as Assistant by direct recruitment shall be imparted the training as prescribed below:-

Period	***Items of training***
(1)	*(2)*
i. First three months	*1. With Firka Revenue Inspector : One week*
	2. Revenue Divisional Officer's office : One week
	3. Collector's Office : Two weeks
	4. Foundation Training at the Civil Service Training Institute, Bhavanisagar : Two months
ii. Next one year	*In Taluk Office as Assistant dealing with revenue subjects.*

Period	*Items of training*
iii. Next four weeks	*In training in revenue survey and maintenance of land records. Provided they have passed the revenue tests, part I to III.*
iv. Next two years	*Firka Revenue Inspectors.*

Therefore, it is mandatory that directly recruited Assistant shall be eligible for promotion to selection category post only on passing of departmental test as well as completion of two years Firka Revenue Inspector training and one year Assistant training in the Collector's Office.

18. Further as per proviso 27(f) of the TNGS Act, the unfilled vacancies reserved for SC/ST to be filled up by recruitment of transfer by promotion shall be carried over to four consecutive recruitment years, namely, year of recruitment plus three subsequent recruitment years. Second proviso to the said Section directs that normal number of vacancies reserved for the candidates belong to SC/ST and the carried forward vacancies as specified in the first proviso shall not exceed fifty percent of the total number of vacancies for a particular recruitment. Therefore, it is restricted to 50% of approved vacancies wherein the

qualified hands belong to reserved category can be included. Accordingly, the candidates belong to the reserved category can be considered for inclusion in the carried forward vacancies only if qualified with passing of department tests, completion of Revenue Inspector training etc.

19. Further as per the impugned panel, the private respondents have been included though they have not been qualified as on the crucial dated viz., on 15.09.2018, in as much as they have not completed requisite two Revenue Inspector training as on the crucial date. They were completed their Revenue Inspector training only in the years 2019, 2020, 2021 on various dates. Therefore, they were not qualified on the crucial date for the panel to the post of Deputy Tahsildar. As per the Rule 7 of the Tamil Nadu Revenue Subordinate Service Rules, no Deputy Tahsildar shall be eligible to have his name in the list of approved candidates as Tahsildar if he has not completed police training for two months.

20. That apart, as per Rule 8 of the Tamil Nadu Revenue Subordinate Service Rules, every person appointed as Deputy Tahsildar shall, from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years. Therefore, Deputy Tahsildar would become eligible for promotion to the post of Tahsildar only on declaration of probation and further completing the police training as mandated under the Tamil Nadu Revenue Subordinate Service Rules. However, the panel to the post of Tahsildar was issued within the period of five days from the panel to the post of Deputy Tahsildar that too without any reference to the completion of police training and declaration of probation of the private respondents.

21. While pending these writ petitions, the Commissioner of Revenue Administration cancelled the impugned panel issued by the District Collector, Krishnagiri, dated 31.08.2023 and 05.09.2023 to the post of Deputy Tahsildar as well as Tahsildar by its proceedings dated 08.12.2023 and directed all the District Collectors to send revised list of redrawn panel of Deputy Tahsildar and Tahsildar. Thereafter, the District Collector, Krishnagiri, had redrawn the panel to the post of Deputy

Tahsildar for the year 2009-2022 and to the post of Tahsildar of the year 2012-22 dated 16.10.2023. As per the redrawn panel, the petitioners were revered to the post of Deputy Tahsildar and the private respondents were promoted to the post of Tahsildar by an order dated 13.01.2024. Hence, the above panel had been drawn by the District Collector, Krishnagiri, against the orders passed by the Hon'ble Supreme Court of India as well as the Hon'ble Division Bench of this Court in the case of ***N.Santosh Kumar Vs. The Tamil Nadu Public Service Commission and ors.***

22. In view of the above discussions, the impugned passed in W.P.No.1553 of 2024, dated 13.01.2024 by the District Collector, Krishnagiri, in Na.Ka.1643/2023/A1 is hereby quashed. The official respondents are directed to restore the petitioners' seniority in accordance with merit/mark based seniority list issued by the Tamil Nadu Public Service Commission, adhering service rules with all other service and attendant benefits within a period of four weeks from the date of receipt of a copy of this Order.

23. In view of the order passed in W.P.No.1553 of 2024, other writ petitions in W.P.No.19409 of 2022 & W.P.Nos.26986, 27276, 31608 of 2023 and the contempt petition in Cont.P.No.375 of 2024 are closed. Consequently, connected miscellaneous petitions are also closed. There shall be no order as to costs.

27.03.2024
(2/2)

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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To

1. The Additional Chief Secretary,
   State of Tamilnadu,
   Revenue and Disaster Management Department,
   Fort St. George, Secretariat,
   Chennai – 600 009.

2. The Additional Chief Secretary
   cum Commissioner,
   Revenue Administration,
   Chepauk,
   Chennai – 600 005.

3. The District Collector,
   Kancheepuram.

4. The District Collector,
   Chengalpet.

G.K.ILANTHIRAIYAN. J,

rts

COMMON ORDER IN
W.P.Nos.19409 of 2022
& 26986, 27276, 31608 of 2023
& 1553 of 2024 and Cont.P.No.375 of 2024
and W.M.P.Nos.18717, 18718 of 2022
& 26418, 26419, 26420, 26710, 26712, 26715, 31238 of 2023
& 1079, 1570, 1576 & 4014 of 2024

27.03.2024
(2/2)