



W.P.(MD) No.868 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.868 of 2024
and W.M.P.(MD)No.882 of 2024

C.Lakshmanan

... Petitioner

Vs.

- 1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai 600 003.
- 2.The Principal District Judge,
Sivagangai,
Sivagangai District.
- 3.The District Munsif Cum Judicial Magistrate,
Singampunari,
Sivagangai District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to include the petitioner's name in the proceedings of the 2nd respondent in A.No.173/2023/A1 dated 19.10.2023 by giving promotion as Assistant in Serial No. 19 of the said proceedings just prior to the name of Mr. Jerinceraja Mohamed by considering the petitioner's representation dated 07.10.2023 and 31.10.2023 sent through the 3rd respondent.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.V.Paneerselvam for R1
Mr.N.Tamilmani for R2 & R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 2nd respondent to include the petitioner's name in the proceedings of the 2nd respondent in A.No.173/2023/A1 dated 19.10.2023 by giving promotion as Assistant in Serial No. 19 of the said proceedings just prior



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to the name of Mr. Jerinceraja Mohamed by considering the petitioner's representation dated 07.10.2023 and 31.10.2023 sent through the 3rd respondent.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner was appointed as typist in the third respondent Court and due to Covid-19 in the year 2020-2021 and 2021-2022, no departmental exam was conducted by the 1st respondent. Thereafter, the petitioner appeared for departmental exam on 24.05.2023 and the results were published in the month of October ie., on 19.10.2023, but the result was uploaded in the official web site of the 1st respondent on 30.10.2023. In the meantime, the combined seniority list for the post of Assistant was issued on 01.07.2023. According to the petitioner, since the publication of the result was delayed by the 1st respondent, several persons, who are behind the petitioner's seniority have been promoted to the post of Assistant. The petitioner has sent a representation to the respondents seeking to include his name in the promotion panel for the post of Assistant. However,



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the same was not considered by the respondents. The learned counsel for the petitioner submitted that the delay has been caused by the 1st respondent and therefore, the petitioner cannot be penalized on the part of the respondent. Hence, the petitioner has filed this Writ Petition for the aforesaid relief.

4. The learned counsel appearing for the respondents 2 and 3 submitted that the panel for promotion to the post of Assistant was drawn by the second respondent and the name of the petitioner has not been included in the said panel for the reason that on the crucial date ie., on 01.07.2023, the petitioner has not passed the departmental exam conducted by the first respondent. He further submits that there is no provision for considering the request of the petitioner to include his name in the promotion panel for the post of Assistant and also grant promotion to the petitioner and hence, seeks for dismissal of this Writ Petition.

5. We are in agreement with the stand taken by the respondent that the petitioner has not passed the departmental test on the crucial date ie., on 01.07.2023 and he has passed the departmental test only on 19.10.2023.



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Therefore, the petitioner's request seeking for including his name in the promotion panel for the post of Assistant cannot be considered. Therefore, the Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

22.01.2024

Neutral Citation: Yes / No
Index : Yes / No

vsm

To

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai 600 003.

2.The Principal District Judge,
Sivagangai,
Sivagangai District.



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3.The District Munsif Cum Judicial Magistrate,
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