



WP(MD). No.12244 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 12/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.12244 of 2024
and WMP(MD) Nos.10862 and 10863 of 2024**

S.Vincent

... Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram..

2.The Personal Assistant to
District Collector (Development),
Ramanathapuram District,
Ramanathapuram..

3.The Additional Collector (Development),
District Rural Development Agency,
Ramanathapuram..

4.The Assistant Director (Audit),
Ramanathapuram..

5.The Block Development Officer,
(Village Panchayat),
RS Mangalam,
Ramanathapuram District..

... Respondents



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PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent vide his impugned proceedings in Se.Mu.Aa. No. 12130/2024/V3 dated 24.05.2024 and quash the same as illegal in so far as it relates to the petitioners non-inclusion is concerned and consequently direct the respondents to include the name of the petitioner in the panel for the year 2024-25 and consequently promote the petitioner to the post of Assistant, within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s. Ajmal Associates,
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

By consent the writ petition itself is taken up for final disposal.

2. Heard Mr.H.Mohammed Imran, learned counsel for the petitioner and the learned Government Advocate for the respondents.



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3. The petitioner has filed this writ petition challenging the impugned proceedings of the 1st respondent in Se.Mu.Aa. No. 12130/2024/V3 dated 24.05.2024 insofar as it relates to the petitioner's non-inclusion is concerned and consequently to direct the respondents to include the name of the petitioner in the panel for the year 2024-25 and consequently promote the petitioner to the post of Assistant.

4. The petitioner, who is presently working as Rural Welfare Officer Grade II equivalent to Junior Assistant was originally placed in the seniority list above one Selvaraj. It appears in the seniority list for promotion to the post of Assistant for the panel year 2024-25, the petitioner is found against S.No.34 and his junior Selvaraj is found in S.No.35. When the panel is finalised, after getting recommendation from the selection panel for the post of Assistant from the Head of Department, the petitioner's name was not found place, even though his junior's name is listed against S.No.13. Hence, the petitioner is before this Court.



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5. The learned counsel for the petitioner submitted that on enquiry, he came to know the reason for non inclusion of his name is that he has not completed the Junior Assistant training. According to the petitioner, it is the fault of the department that they did not depute him to training and that cannot be held against him, when the selection list is prepared. However, in the selection list, it is mentioned that if any persons aggrieved, they can make their appeal within 30 days.

6. It is learnt that the petitioner has also made his representation on 31.05.2024 immediately after the receipt of the promotion panel, however, no orders have been passed so far on the same.

7. Since the petitioner has got a valid objection and he also made a representation to the respondents, the respondents shall consider the said representation dated 31.05.2024 and pass appropriate orders on merits and in accordance with law before releasing the selection list and depending upon the petitioner's merit, the respondent shall consider him to include the name of the petitioner also in the selection list.



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8. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed.

12.06.2024

RR

TO

- 1.The District Collector,
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Ramanathapuram..
- 2.The Personal Assistant to District Collector (Development),
Ramanathapuram District,
Ramanathapuram..
- 3.The Additional Collector (Development),
District Rural Development Agency,
Ramanathapuram..
- 4.The Assistant Director (Audit),
Ramanathapuram..
- 5.The Block Development Officer,
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R.N.MANJULA,J

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