



W.P.(MD).No.15195 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.15195 of 2024
and WMP(MD)Nos.13300 & 13302 of 2024

C.Nathiya

... Petitioner

Vs

1.The Secretary,
Tamil Nadu Public Service Commission,
Greens Road,
Chennai- 600 006.

2.The Director of Rural Development,
Panagal Building, Saidapet,
Chennai-600 015.

3.The District Collector,
Virudhunagar District,
Virudhuangar.

... Respondents

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 on the file of the 3rd respondent in connection with the impugned revised seniority list in the cadre of Assistant and subsequent impugned promotional panel for the post of Deputy Block Development Officer prepared



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by him vide his proceedings in Na.Ka.No.B3/996825/2023 dated 08.03.2024 and in Na.Ka.No.B2/1962284/2024 dated 24.05.2024 respectively and quash both as illegal, arbitrary and consequently direct the 3rd respondent to revise the petitioner's seniority in the cadre of Assistant by placing the petitioner at Serial No.406(a) and Seniority No.603(a) in the revised seniority list and thereby promote the petitioner to the post of Deputy Block Development Officer within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimuthurasu

For Respondents : Mr.J.Anandhakumar
for R1

: Mr.N.Ramesh Arumugam
Government Advocate for R2 & R3

ORDER

Heard Mr.G.Thalaimuthurasu, learned counsel for the petitioner, Mr.Anandhakumar, learned counsel for the first respondent and Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents 2 &3.

2.The petitioner has filed this Writ Petition challenging the impugned revised seniority list in the cadre of Assistant and subsequent impugned promotional panel for the post of Deputy Block Development Officer



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prepared by the 3rd respondent vide his proceedings in Na.Ka.No.B3/996825/2023 dated 08.03.2024 and in Na.Ka.No.B2/1962284/2024 dated 24.05.2024 and consequently direct the 3rd respondent to revise the petitioner's seniority in the cadre of Assistant by placing the petitioner at Serial No.406(a) and Seniority No.603(a) in the revised seniority list and thereby promote the petitioner to the post of Deputy Block Development Officer within the time limit that may be stipulated by this Court.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner got selected to the post of Steno Typist under Group-IV services in the year 2006-2007 by the first respondent, Tamil Nadu Public Service Commission. The petitioner was appointed in the office of the Deputy Director (Assistant Panchayat), Virudhunagar District with effect from 13.07.2009 and now he is working as Assistant in Watrap Panchayat Union, Virudhunagar District. After completion of five years of service in the post of Steno Typist, the person is eligible to be promoted to the post of Assistant. In the meanwhile the third respondent has published the seniority list in the cadre



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of Assistant/Rural Welfare Officer(Grade-I) vide his proceedings dated 16.02.2023. In the above list, the petitioner was placed at Sl.No.406 and her seniority in the cadre of Assistant would be at Seniority No.603 in the cadre of Assistant. The 3rd respondent has issued the impugned proceedings on 10.03.2023 and thereby published the promotion panel for the post of Deputy Block Development Officer. In the said promotion panel, the petitioner was placed as against the Sl.No.19.

5. It is further submitted that if one Suresh, who has also selected in the same recruitment had secured more marks in the examination conducted by the TNPSC, the 3rd respondent ought to have placed him in Seniority No.603 and placed the petitioner in Seniority No.603(a). The grievance of the petitioner is that she was placed in the seniority below 17 members. So, the petitioner claims that the impugned seniority list and the impugned promotion panel published pursuant to that are liable to be set aside.

6. The learned Government Advocate for the respondents submitted that the revised seniority list has been released only in pursuant to the orders of the Hon'ble Supreme Court in **Bimlesh Tanwar's case** reported in **2003 (5)**



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SCC 604 (Bimlesh Tanwar vs. State of Haryana). In the said judgment a direction has been given to prepare the list only in accordance with merits. In sum and substance, the seniority list which has been prepared by the Department should be only in accordance with the merits. Only in pursuant to the above judgment of the Hon'ble Supreme Court, it appears that based on merits, the respondent department has also done the exercise of refixing the seniority of the petitioner and her colleagues who have been selected on one and the same day. In fact the petitioner had given objection after the release of the revised seniority list and the same was also rejected by the 3rd respondent vide order dated 08.07.2024.

7. Mr.J.Anandha Kumar, learned counsel for the Department submitted that the petitioner, without challenging the above order straight away filed this petition challenging the list of seniority and panel for promotion to the post of Deputy Block Development Officer. It appears from the proceedings of the 3rd respondent that it has been issued only on 24.05.2024. Since the order has been passed in pursuant to the objection raised by the petitioner and the copy of the order has also been marked to the petitioner. But again the petitioner has challenged the seniority list and the consequent promotion panel



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which had prepared in compliance of the judgment of the Hon'ble Supreme Court.

8. In view of the above stated reasons, this writ petition is **dismissed**. No Costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
PJJ

To

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