

W.P. No. 11904 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06-08-2025

CORAM

THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P No. 11904 of 2013

V. Balasubramanian (Deceased)

2.Umarani

(P2 substituted as Lr of deceased sole petitioner
vide order dated 13.06.2025)

..Petitioner

Vs

1.The Government of Tamil Nadu,
Rep., by the Principal Secretary to Government
Higher Education (F2) Department,
Secretariat, Chennai – 600 009.

2.The Director of Collegiate Education,
E.V.K. Sampath Buildings,
DPI Compound,
College Road,
Chennai – 600 006.

..Respondents

Writ petition is filed under Article 226 of Constitution of India, praying for issuance of writ of certiorarified mandamus, to call for the records pertaining to the revised inter-se-seniority list of SG Lectureres/Associate Professors in Government Colleges for the year 2012-2013 issued through the proceedings Rc.No.15872/J2/2012 dated 31.05.2012 by the 2nd respondent and the proceedings Rc.No.33804/J2/2012 dated 05.11.2012 issued by the 2nd respondent and quash the same and direct the respondents to fix the petitioner's



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husband seniority based on the date of his initial appointment i.e., 14.11.1977 as Assistant Professor in Alagappa Government Aided College, Karaikudi with all other consequential benefits.

For Petitioner : Ms. S. Meenakshi

For Respondents : Mr. S. Arumugam,
Government Advocate

ORDER

The captioned writ petition has been filed for issuing a writ of certiorarified mandamus assailing the order dated 31.05.2012 issued by the second respondent and the proceedings dated 05.11.2012 issued by the second respondent and to direct the respondents to fix the seniority of the petitioner's husband on the date of initial appointment i.e., 14.11.1977 as Assistant Professor in Alagappa Government Aided College, Karaikudi with all other consequential benefits.

2. The petitioner died during the pendency of this petition and is represented by his legal representatives.

3. The petitioner's husband was appointed as Assistant Professor in Commerce, Alagappa College, Karaikudi and aided institution on 18.10.1977



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and the appointment was subject to the approval of the Director of Collegiate

WEB COPY Education and the Madurai University. Subsequently, the appointment of the

petitioner's husband was approved by the competent authority. The

management and control of the Alagappa College and aided institution was

taken over by the Government of Tamil Nadu vide order dated 13.06.1985 and

under the said order, the College including all the existing degree courses and

the existing staff were taken over by the government order. As per the

government order, the petitioner's husband was absorbed as Associate Professor

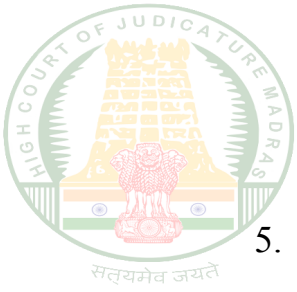
and subsequently, state wise seniority list was published. In the said seniority

list, the petitioner's husband name was placed at Sl.No.46. Subsequently, the

seniority list was revised placing the petitioner's husband at Sl.No.444.

Aggrieved by the same, the petitioner is before this Court.

4. Ms.S.Meenakshi, the learned counsel for the petitioner submitted that the date of initial appointment of the petitioner's husband as Assistant Professor in the aided college should have been reckoned for the purpose of fixing the seniority list of the petitioner's husband. However, the date of absorption is reckoned for the purpose of fixing the seniority list and the same is arbitrary and discriminatory.



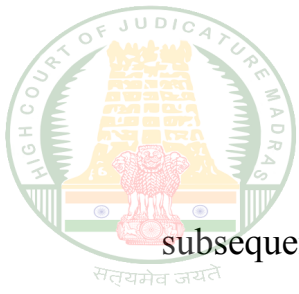
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5. In response, Mr.S.Arumugam, learned Government Advocate submitted that condition No.4 of the government order dated 27.03.1989 stipulates that the seniority of the employees shall be fixed with reference to the dates of their absorption as it existed prior to their dates of absorption and therefore, the seniority of the Associate Professor across the State of Tamil Nadu, is in accordance with the rules and the same does not find any infirmity or illegality and sought for dismissal of this petition.

6. The arguments of the learned counsel for the parties and the material on record have been duly considered.

7. The Alagappa College Karaikudi, in which the petitioner's husband was appointed as Assistant Professor and promoted to the post of Associate Professor was taken over by the Government vide order dated 13.06.1985 including the existing staff. The government thereafter issued another order dated 27.03.1989, in relation to absorption of the staff of Alagappa College laying down certain conditions and condition No.4 stipulates that the seniority of the employee shall be fixed with reference to the dates of their absorption as it existed prior to their dates of absorption. The Associate Professors who are appointed under Rule 10A(1) of Tamil Nadu State Subordinate Service Rules,



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subsequently, appointed on regular basis, had approached this Court in W.P.No.14485 of 2011 and connected writ petitions, challenging the seniority list of Associate Professor across the State of Tamil Nadu. The Coordinate Bench of this Court vide order dated 25.01.2012 directed the Government to redraw the seniority list by taking into consideration of the date of initial appointment of the petitioners therein and the private respondents therein who are arrayed from serial No.15 onwards in the seniority list impugned therein. Following the order passed by this Court, the seniority list of Associate Professor was revised and in the said seniority list, the petitioner's husband name has been placed at Sl.No.444, by reckoning the date of absorption.

8. The petitioner's grievance is that the date of initial appointment in Alagappa College should have been reckoned for the purpose of fixing the seniority and in support, reliance is placed on the government order dated 14.11.2006. Since the said government order pertains to fixation of pay scale by counting the past services rendered by an employee and it is not relation to fixation of seniority. The condition No.4 of the government order dated 27.03.1989 categorically states that the seniority of the employees of Alagappa College shall be fixed with reference to the dates of their absorption. The condition No.4 is binding on the petitioner's husband and therefore, the



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petitioner cannot now contend that the date of initial appointment in Alagappa

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9. Therefore, in the absence of any violation of statute right, the present petition challenging the impugned seniority list, is devoid of merits and the same is dismissed. There shall be no order as to costs.

06-08-2025

Index : Yes/No

Neutral Citation : Yes/No

AT

To

1. The Principal Secretary to Government,
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2. The Director of Collegiate Education,
E.V.K. Sampath Buildings,
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HEMANT CHANDANGOUDAR, J.

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