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W.P. No.3253 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 10.12.2025

CORAM:

**THE HON'BLE MR. JUSTICE M. DHANDAPANI**

W.P. No.3253 of 2024

S. Thamayanthy

Petitioner

Vs

1. The Director/ Commissioner of Rural  
Development  
and Panchayat Raj Department,  
Chennai 600 015.

2. The District Collector  
Dharmapuri District, Dharmapuri.

3. The Secretary  
Tamil Nadu Public Service  
Commission, Chennai 03

Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2<sup>nd</sup> respondent in his 1) Pro.Na.Ka.No. 15805 /2020/ K2 dated 27.08.2021 to the limited extent of rejection of petitioner claim for revision of petitioner seniority in the seniority list of Assistants as on 01.01.2020 in Dharmapuri District unit and 2) Pro. Na.Ka.No. 17727/ 2022/C1 dated 12.10.2022 passed by the 1<sup>st</sup> respondent and the consequential order passed by the 2<sup>nd</sup> respondent herein in his Na.Ka.No. 125/ 2023/ K2 dated 13.01.2023 quash the same as unsustainable in law and



W.P. No.3253 of 2024

issue consequential direction to the Respondents 1 and 2 herein to assign proper seniority by placing the petitioner at the bottom of the seniority list of Approved Probationers between Serial No. 26 (Tmt. P.Santham) and Sl.No. 27 (Tmt. V.Sarala) in the seniority list as on 01.01.2021 approved in Pro. Na.Ka.No. 15815 /2021/ K2 dated 14.09.2021 of the second respondent, instead of placing her at the bottom of Seniority List of Assistants in Dharmapuri District unit as per the 3<sup>rd</sup> respondent's (TNPSC) guidelines, the Departmental guidelines (amended up to 2014 ) as well as in the light of the order passed in WP (MD) No. 2567/ 2013 dated 22.11.2018 by this Court.

For petitioner : Mr.R. Thamaraiselvan  
For respondents : Mr.T.M. Rajangam,  
Govt. Advocate for R1 & R2  
Mr.B. Vijay for R3

### **ORDER**

This writ petition has been filed to quash the i) proceedings of the 2<sup>nd</sup> respondent dated 27.08.2021, ii) proceedings of the 1<sup>st</sup> respondent dated 12.10.2022 and iii) the consequential order dated 13.01.2023 issued by the 2<sup>nd</sup> respondent as well as for issuance of consequential directions to the respondents 1 and 2 to assign proper seniority by placing the petitioner at the bottom of the seniority list of Approved Probationers between Serial No. 26 (Tmt. P.Santham) and Sl.No. 27 (Tmt. V.Sarala) in the seniority list as on 01.01.2021 approved in Pro. Na.Ka.No. 15815 /2021/ K2 dated 14.09.2021 of the 2<sup>nd</sup> respondent, instead of placing her at the bottom of Seniority List of



W.P. No.3253 of 2024

Assistants in Dharmapuri District unit as per the 3<sup>rd</sup> respondent's (TNPSC) guidelines, the Departmental guidelines (amended up to 2014 ) as well as in the light of the order passed in WP (MD) No. 2657 of 2013 dated 22.11.2018 by this Court.

2. The petitioner was recruited through the Tamil Nadu Public Service Commission and appointed as Assistant by the 2<sup>nd</sup> respondent vide proceedings dated 13.12.2012. She joined service on 15.12.2012 at Vellore District. Her services were regularised on 12.06.2014, and her probation was declared on 30.01.2017, thereby making her an approved probationer and permanent employee.

3. When that being so, on her own request, the petitioner was transferred from Vellore District to Dharmapuri District, vide proceedings of the 1<sup>st</sup> respondent dated 20.11.2017. Subsequently, she was relieved on 11.12.2017 and joined duty at Dharmapuri on 15.12.2017. Thereafter, the 2<sup>nd</sup> respondent issued a temporary integrated seniority list of Assistants, which was issued on 19.02.2018 (as on 01.01.2018), wherein the petitioner was placed at the bottom of the combined seniority list. According to the petitioner, despite having already completed probation, she ought to have been placed at the bottom of the



W.P. No.3253 of 2024

seniority list of approved probationers. While so, the 2<sup>nd</sup> respondent issued the integrated Seniority List of Assistants, vide proceedings dated 27.08.2021 confirming the seniority list issued on 19.10.2020.

4. Thereafter, she submitted various representations and appeals, which were rejected, and the seniority lists as on 01.01.2018, 01.01.2019, and 01.01.2021 were confirmed. Aggrieved by the same, the petitioner approached this Court earlier by filing writ petition in W.P. No.5790 of 2022, which was disposed of on 22.03.2022, directing the respondents to consider her appeal in accordance with law.

5. Pursuant thereto, the petitioner submitted a representation dated 16.05.2022. However, the same was rejected by the 1<sup>st</sup> respondent vide order dated 12.10.2022. It is the grievance of the petitioner that even though she submitted several objections with regard to provisional seniority list, the same was not considered in line with the directions issued by this Court on 22.11.2018 in W.P. (MD) No.2657 of 2013, resultantly, the 1<sup>st</sup> respondent published the final Seniority list by way of proceedings dated 12.10.2022, which followed by a consequential order dated 13.01.2023 passed by the 2<sup>nd</sup> respondent. Challenging the said orders dated 27.08.2021, 12.10.2022 and



W.P. No.3253 of 2024

13.01.2023 issued by the respondents 1 and 2 respectively, the present writ petition has been filed.

6. Learned counsel for the petitioner submitted that the petitioner's grievance is very limited and does not seek seniority over any other employee in Dharmapuri District. He contended that once the petitioner's probation was declared on 30.01.2017, she attained the status of an approved probationer, which cannot be taken away merely because of a transfer effected on petitioner's own request. He strongly argued that as per TNPSC guidelines and the Departmental Manual (amended up to 2014), a transferred employee who is already an approved probationer can only be placed at the bottom of the approved probationers list, and not at the bottom of the combined seniority list of Assistants. Placing reliance on the order of this Court in W.P.No.2657 of 2013, wherein a similar issue was considered, he submitted that the impugned orders are passed without application of mind. He submitted that without properly appreciating the facts, the impugned orders have been passed mechanically and therefore, the same are liable to be quashed and prayed for issuance of consequential directions by this Court.

7. Per contra, learned Government Advocate appearing for the respondents 1 and 2 vehemently opposed the contentions made by the learned



W.P. No.3253 of 2024

counsel for the petitioner and submitted that the petitioner was transferred from Vellore District to Dharmapuri District on her own request under a one-way transfer system, and she had given an undertaking to forgo her seniority in the parent district. He further submitted that the petitioner joined duty in Dharmapuri District only on 15.12.2017, and therefore, petitioner's seniority has been correctly fixed with reference to her date of joining in the new district. According to the respondents, once the petitioner opted for voluntary transfer, she cannot claim placement in the seniority list based on her earlier service in Vellore District. He further contended that the seniority lists were prepared strictly in accordance with the applicable rules and that no illegality or arbitrariness can be attributed to the impugned orders. In view of the above, it is finally submitted that her seniority was rightly fixed with reference to petitioner's date of joining in Dharmapuri District and interference in the said proceedings of the respondents 1 and 2 is unwarranted. Accordingly, he prayed that this Court may dismiss the writ petition.

8. Heard the rival submissions made by learned counsel on either side and perused the materials placed on record.

9. The undisputed facts are that the petitioner was appointed through TNPSC, her services were regularised, and her probation was declared on 30.01.2017, much prior to her transfer to Dharmapuri District. Therefore, on the



date of transfer, the petitioner was admittedly an approved probationer. The core issue that arises for consideration is not whether the petitioner is entitled to retain her earlier seniority, but whether he can be placed at the bottom of the approved probationers list instead of the bottom of the combined seniority list.

10. Forgoing seniority in the parent District pursuant to a voluntary transfer cannot be equated with loss of approved probationer status. The undertaking given by the petitioner only relates to relinquishment of inter-se seniority, and not to a reversion of her status as an approved probationer.

11. The TNPSC guidelines and the Departmental Manual clearly draw a distinction between awaiting probationers and approved probationers. The impugned orders fail to appreciate this distinction and proceed as if the petitioner is a fresh entrant to the cadre in Dharmapuri District.

12. This Court finds that the respondents have misdirected themselves in law by placing the petitioner at the bottom of the combined seniority list of Assistants, instead of placing her at the bottom of the seniority list of approved probationers. The impugned orders are therefore unsustainable.

13. Therefore, the impugned orders dated 27.08.2021, 12.10.2022 and 28.04.2022 passed by the 1<sup>st</sup> and 2<sup>nd</sup> respondents respectively as the one order is consequent to other, are quashed to the limited extent as indicated above.



W.P. No.3253 of 2024

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14. The respondents are directed to refix the seniority of the petitioner by placing her at the bottom of the seniority list of approved probationers in the Assistant cadre for Dharmapuri District, instead of, at the bottom of the combined seniority list, within a period of eight weeks from the date of receipt of a copy of this order.

15. With the above observations and directions, this writ petition stands allowed. No costs.

10.12.2025

Index:Yes/No  
Speaking/Non-speaking order  
Neutral Citation : Yes/No  
vsi2

To  
1. The Director/ Commissioner of Rural  
Development  
and Panchayat Raj Department ,  
Chennai 600 015.

2.The District Collector  
Dharmapuri District, Dharmapuri.

3.The Secretary  
Tamil Nadu Public Service  
Commission, Chennai 03



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W.P. No.3253 of 2024

**M. DHANDAPANI, J.**

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W.P. No.3253 of 2024

10.12.2025

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