



W.P.No.19716 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.19716 of 2015

Judgment reserved on 24.02.2025	Judgment pronounced on 06.03.2025
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M.Sulochana
W/o.R.Natarajan,
First Street, SPK Nagar,
Andipalayam Post,
Tiruchengode Taluk.

Petitioner

Vs

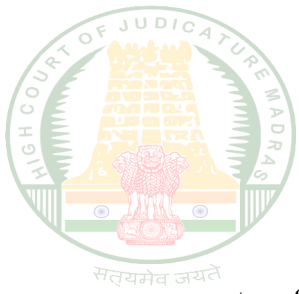
1.The Principal Secretary and
Commissioner of Revenue Administration,
Chepauk, Chennai-5.

2.The District Collector,
Namakkal.

3.The District Revenue Officer,
Namakkal.

Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records relating to the second respondent vide proceedings No.M.M.No.572/2013/A3 dated 17.05.2014 and to quash the same, and consequently, direct the said respondent to include the petitioner's name in the panel for promotion to the



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post of Assistants drawn by the third respondent in his proceedings No.Pdl.33/2012/A3 dated 17.05.2012 in terms of the letter of the first respondent dated 28.11.2013 vide proceedings No.Roc.Service 4(1) / 40841/2013.

For Petitioner : M/s.S.Vijayakumar
Senior Counsel for
Mr.G.Bharadwaj.

For Respondents: Mr.V.Veluchamy,
Addl.Govt. Pleader

ORDER

This writ petition is filed seeking a direction to call for the records relating to the second respondent vide proceedings No.M.M.No.572/2013/A3 dated 17.04.2014 and to quash the same, and consequently, direct the said respondent to include the petitioner's name in the panel for promotion to the post of Assistants drawn by the third respondent in his proceedings No.Pdl.33/2012/A3 dated 17.05.2012 in terms of the letter of the first respondent dated 28.11.2023 vide proceedings No.Roc.Service 4(1) / 40841/2013.



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2. The petitioner was appointed as a typist in Revenue Department through T.N.P.S.C and was allotted to Special Tahsildar (L.A.) Office, Namakkal on 12.08.2009; seniority panel for promotion to the post of Assistants was prepared and published on 17.05.2014 wherein the name of the petitioner was placed below the juniors and hence the above writ petition.

3. In this writ petition, the petitioner has prayed for two reliefs viz.

(i) to quash the panel prepared and published in the impugned notification dated 17.05.2014 by the second respondent ;

(ii) to direct the respondents to include the name of the petitioner in the panel for promotion to the post of Assistant that was drawn by the third respondent on 17.05.2012 based upon the letter of the first respondent.

4(a) Counter has been filed by the second respondent. The main stand that was taken is that the writ petitioner is junior to that of the eligible persons who were included in the impugned notification and hence her name was not included in the panel for the promotion list of Assistants for the year



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2012. It is further stated that the factual position that arise for drawal of the panel is in anticipation of vacancies for the new post of Assistants in the newly formed Kollihills Taluk office as there was a proposal for increase of vacancies which resulted in drawing of the panel.

4(b) The second respondent, in the counter, relied upon the G.O.Ms.No.417 P&AR dated 01.12.1993 for the purpose of appointment to the post of Assistant, as per which a combined seniority list of Junior Assistant and Typists was drawn and the petitioner was placed in Srl.No.11 according to the seniority list and senior most eight persons in the said panel got promotion in the year 2012 and the petitioner was promoted in the year 2013 as per her seniority. The Hon'ble Supreme Court of India in ***P.U. Joshi & Others vs. The Accountant General & Others*** in Appeal (Civil) No.4679 - 4680 of 1996 has held that it is not for the Statutory Tribunals at any rate to direct the Government to have a particular method of recruitment or eligibility criteria or avenue of promotion or impose itself by substituting its views for that of the State.



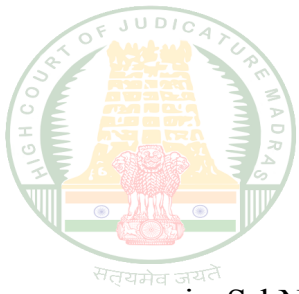
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5. Heard the learned Senior Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the records.

6. During the pendency of this case, much water has flown under the bridge. In respect of seniority list prepared by the TNPSC for the recruitment wherein the petitioner was selected was the subject matter of the Civil Appeal No.2886 of 2016 wherein the Hon'ble Apex Court has passed an order and thereafter Contempt Petition No.6415 of 2021 has been filed before the Hon'ble Apex Court. By an order dated 18.04.2023, the Hon'ble Apex Court directed the respondents to prepare the list on merits on the basis of the marks secured by them from TNPSC and to re-draw the seniority. Accordingly, TNPSC has prepared the merit list and also prepared the interest-seniority among the Assistants who entered into service in the year 2012.

7(a) On the above background, this Court has directed the petitioner to file additional affidavit and the Additional Affidavit has been filed by the petitioner before this court. In the additional affidavit, it is stated that TNPSC has drawn the merit list on 22.06.2023 and placed the petitioner



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in Srl.No.3 instead of Srl.No.9 (as per the roster of the existing seniority).

Based upon the same, the petitioner submitted a representation to the respondents on 22.11.2023 to include his name in the seniority list of assistants drawn for the year 2012.

7(b) In pursuance of the same, proceedings were drawn by the first respondent vide proceedings No.NA.Ka.Service4(1)/7058091/2024 dated 15.07.2024 and directed the second respondent to forward the requisite documents for the purpose of regularizing the interse-seniority among the Assistants drawn for the year 2012 in Namakkal District. Accordingly, the petitioner is eligible to be included in the panel of Assistants drawn for the year 2012 instead of 2013 which was drawn by the third respondent in his proceedings No.P.Pdl.3/2013/A3 dated 01.08.2013. In as much as in compliance of the directions of the Hon'ble Apex Court as aforesaid, the petitioner became eligible to be included in the panel of Assistants drawn for the year 2012 in Namakkal District. Consequently, the petitioner was entitled to be given notional promotion to the post of Deputy Tahsildar from the year 2017 as his junior Kalaiselvan was promoted on the basis of communal rotation in the year 2017.



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7(c) In the above circumstances, a fresh list has to be drawn for the Assistants panel thereby placing the petitioner in Srl.No.3 above R.Vadivelu in the list drawn for the Assistants panel dated 17.05.2012. In view of the order passed by the Hon'ble Apex Court and the admitted position that in compliance with the orders passed by the Hon'ble Supreme Court in the above stated case, the TNPSC has issued a merit list whereby the present petitioner should be placed above R.Vadivelu for the panel for promotion to the post of Assistants dated 17.05.2012. This factum is as clear as sunlight, as could be seen from the revised seniority list of candidates issued by the TNPSC dated 22.06.2023 which is filed as a compliance report before the Hon'ble Supreme Court showing the petitioner's seniority is shown as Srl.No.3 and R.Vadivelu is shown as Srl.No.5 and Kalaiselvan is shown as Srl.No.11.

7(d) It appears that based upon the TNPSC compliance report filed before the Hon'ble Supreme Court, the petitioner again made another representation on 21.11.2023 for which the second respondent District Collector, Namakkal appears to have called for additional report. This Court



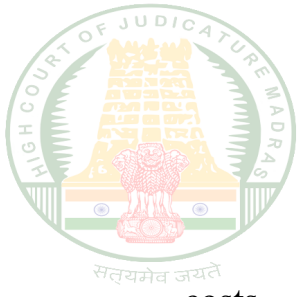
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is unable to understand the veracity of the communication sent by the second respondent District Collector, Namakkal. The claim of the petitioner is based upon the compliance report filed by the TNPSC before the Hon'ble Supreme Court. When the TNPSC itself has given the seniority list, this court is unable to understand the notion behind issuance of such notice.

7(e) In exercise of the powers conferred under Article 226 of the Constitution, I have no hesitation to quash the petition impugned notice dated 17.05.2012 in view of the subsequent decision of the Hon'ble Supreme Court cited supra and in view of the revised seniority list of candidates submitted before the TNPSC, I find that the petitioner has to be placed above both R.Vadivelu and Kalaiselvan in the seniority list for the panel to the promotion of Assistants. Hence, the second and third respondents are hereby directed to implement this order within a period of eight (8) weeks from the date of receipt of a copy of this order and to grant notional promotions to the petitioner, as per Rules.

8. With the above directions, this Writ Petition stands allowed. No



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06.03.2025

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Index : Yes/No

Speaking/Non-speaking order

To

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Chepauk, Chennai-5.

2.The District Collector
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RMT.TEEKAA RAMAN, J.

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