



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.6486 of 2015

and

M.P.No.1 of 2015

Dr.P.V.Bose

... Petitioner(s)

Vs.

1. The Secretary to Government (Art & Culture),
Government of Puducherry, Puducherry.
2. The Member Secretary, Bharathiar Palkalaikoodam,
Cuddalore Main Road, Ariyankuppam, Puducherry.
3. The Registrar, Pondicherry University,
R.V.Nagar, Kalapet, Puducherry – 605 014.
4. Dr.L.Annapoorna

... Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent by proceedings in Order No.E.127/BPK/2011/52 dated 09.04.2012 (with respect to Serial No.1 alone) ending with the proceedings of the second respondent in No. E 27/BPK/CC/Reply/2015/301 dated 12.02.2015 and quash the same and consequently direct the respondents to refix the seniority list of lecturers by placing the petitioner at first place and



direct the first respondent to promote the petitioner as Principal of the second respondent college with all monetary and consequential benefits.

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For Petitioner(s) : Mr.A.Mohamed Ismail

For R1 : Ms.Sharada Vivek,
Additional Government Pleader
Pondicherry

For R2 : Mr.T.M.Naveen

For R3 : Mr.V.Balamurugane

ORDER

This writ petition has been filed seeking a writ of certiorarified mandamus to call for the records relating to the proceedings bearing Order No.E127/BPK/2011/52 dated 09.04.2012 and the proceedings issued by the Respondent No.2 bearing No.E27/BPK/CC/Reply/2015/301 dated 12.02.2015, and to quash the same, while seeking a consequential direction to re-fix the seniority of 'Lecturers' by placing the petitioner at the first place and to promote the petitioner to the post of 'Principal' of the Respondent No.2 College with all monetary and consequential benefits.

2. Though this writ petition is of the year 2015, no counter-affidavit has been filed by any of the respondents. Further, though the Respondent No.3 was duly served with notice, no appearance is entered



on his behalf.

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3. This matter came up before this court on 16.06.2025, 23.06.2025 and 01.07.2025. On all these occasions, the matter was adjourned at the request of the learned counsel appearing for the Respondent No.2, as well as by the learned counsel for the petitioner on one occasion. Today, once again, a request is made for adjourning the matter. However, this court is not inclined to adjourn the matter, as the matter is of the year 2015 and sufficient opportunities have already been afforded to the respondents.

4. Through the impugned proceedings dated 09.04.2012, the final seniority list of 'Lecturers' in the Respondent No.2 College namely, Bharathiar Palakalaikoodam, was drawn in compliance with the judgments of the Hon'ble Supreme Court and this court with effect from 21.03.2000. In the said seniority list, the petitioner herein was placed at Sl.No.2 and whereas, the Respondent No.4 was placed at Sl.No.1.

5. When the petitioner made a request for placing him at Sl.No.1 above the Respondent No.4 herein, the said request of the petitioner was rejected by



the Respondent No.2 by passing the impugned proceedings dated 12.02.2015, on the ground that the petitioner failed to raise any objection when the provisional list was communicated. Except the said reason, no other reason is assigned in the impugned proceedings as against the claim made by the petitioner herein.

6. The learned counsel for the petitioner has drawn the attention of this court to Paragraph No.5 of the affidavit filed in support of this writ petition, wherein it is categorically stated that the Respondent No.4, who was placed at Sl.No.1 in the impugned seniority list, had submitted a representation dated 18.12.2013 accepting the claim of the petitioner herein for placing the petitioner at Sl.No.1 in the impugned seniority list. But the same was not taken into consideration by the Respondent No.2 while passing the impugned order dated 12.12.2015. A copy of the representation submitted by the Respondent No.4 is also placed before this court at Page No.35 of the typed-set of papers, wherein the Respondent No.4 stated as under:-

“Based on all the above facts, I too agree that Dr.P.V.Bose should have been placed above me in the Seniority list since he is also older than me, besides the other facts placed above. Therefore, I have no objection, whatsoever, in placing his name above me in the seniority list. The Secretary to

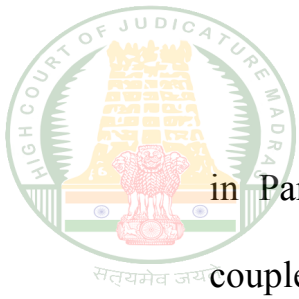


Government (Art & Culture) may issue necessary orders as he deems fit.”

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7. In spite of the above representation submitted by the Respondent No.4, the Respondent No.2, while considering the claim of the petitioner pursuant to the order dated 22.12.2014 passed in W.P.No.34372 of 2014, failed to take into consideration the said representation dated 18.09.2013 submitted by the Respondent No.4.

8. A perusal of the said representation would show that the same was also acknowledged by the Respondent No.2 as early as on 19.09.2013. Once the Respondent No.4 expressed her 'No Objection' and accepted the entitlement of the petitioner herein to be placed at Sl.No.1, this court is unable to understand what objection the Respondent No.2 can have and as to why the Respondent No.2 failed to take into consideration the representation dated 18.09.2013 submitted by the Respondent No.4 herein. As the Respondent No.4 has conceded the claim made by the petitioner for seniority over and above her, this court does not see any impediment in accepting the claim made by the petitioner in the present writ petition. Further, it is also necessary to notice that, as against the specific claim made by the petitioner



in Paragraph No.5 of the affidavit filed in support of the writ petition, coupled with the contents and representation dated 18.09.2013 submitted by the Respondent No.4, remained uncontroverted.

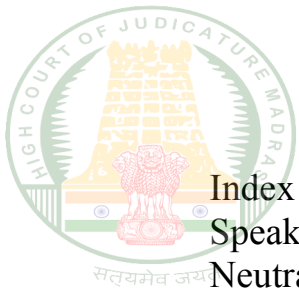
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9. In the light of the above, this court does not see any reason to deny the relief as sought for in the present writ petition. Accordingly, this writ petition is allowed, directing the Respondent no.2 to place the petitioner at Sl.No.1 and to place Respondent No.4 at Sl.No.2 in the final seniority list issued through proceedings No.E127/BPK/2011/52 dated 09.04.2012 and issue consequential proceedings, as expeditiously as possible, at any rate within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions, if any, shall stand closed.

10. Insofar as the relief sought in respect of promotion is concerned, the petitioner is granted liberty to work out his remedies once his seniority is re-fixed in terms of this order.

16.07.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To

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Government of Puducherry, Puducherry.
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MUMMINENI SUDHEER KUMAR, J.

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