



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.9109 of 2015

and

M.P.No.1 & 1 of 2015

1. Dr.P.Basker
2. Dr.K.Gopala Rathinam
3. C.Manthiram
4. Dr.C.Rajamanickam
5. K.Senthamilselvi
6. P.Shanthi
7. J.Kiruba
8. Dr.L.Anuradha
9. Dr.V.Murthy

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health & Family Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director of Public Health and Preventive Medicine,
DMS Complex, Teynampet,
Chennai – 600 006.



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3. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Park Town,
Chennai – 600 003.

4. C.Rani

5. A.Balaji

6. K.Kumar

7. M.Kalyana Sundaram

8. P.Amudha Devi

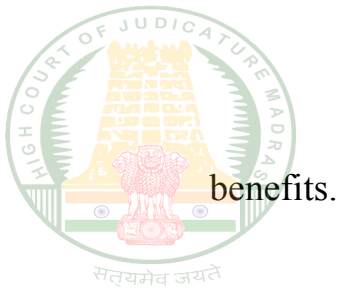
9. M.Neelamegam

10. Esther Geroldine George

11. S.Balavinayagam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent in R.No.45857/E1/2014/S3 dated 17.02.2015 and to quash the same and consequently direct the respondents 1 and 2 to revise the seniority in the post of Senior Entomologist as notified by the second respondent in R.No.124851/E1/S4/2010 dated 20.02.2011, by placing the petitioners appointed through TNPSC for the year 1991 over and above the respondents 4 to 11 promoted in the year 1993 to the post of Senior Entomologist and consequently granting of service benefits including fixation of salary on par with juniors and further promotion to the post of Chief Entomologist and other attendant



benefits.

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For Petitioner : Mr.Jayamalan
for Mr.G.Sankaran

For R1 & R2 : Mr.E.Sundaram,
Government Advocate

For R3 : Mr.R.Bharanidaran

For R4 & R6 to R11 : Ms.T.Hemalatha

ORDER

The petitioners herein are all the candidates who appeared for direct recruitment in response to a notification dated 25.01.1991 issued by the Tamil Nadu Public Service Commission, and got selected for the post of 'Senior Entomologist' through G.O (Ms) No.11, Health & Family Welfare (N1) Department, dated 09.02.1995, and the consequential orders issued by the second respondent dated 21.03.1995. The seniority list in the cadre of 'Senior Entomologist' was prepared and finalized by the second respondent through proceedings bearing R.No.124851/E1/S4/2010 dated 20.02.2011, wherein the petitioners were shown below the respondents 4 to 11 herein. The respondents 4 to 11 herein are the persons, who were initially appointed as 'Entomological Assistant' during the year 1990 and were subsequently

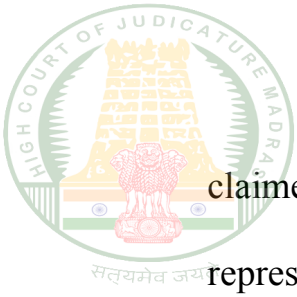


promoted to the post of 'Senior Entomologist' during the year 1993. i.e.,
ahead of the petitioners herein.

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2. Aggrieved by the said seniority list dated 20.02.2011, the first petitioner herein claims to have submitted a representation dated 12.03.2011 before the second respondent herein and thereafter, approached this court by filing W.P.No.31256 of 2014, complaining the inaction on the part of the first respondent. The said writ petition was disposed of by this court by an order dated 28.11.2014, directing the second respondent to consider the representation dated 12.03.2011 submitted by the petitioner. It is on considering the said representation, the second respondent passed an order dated 17.02.2015, rejecting the claim of the petitioners therein on the ground that the seniority list issued through proceedings dated 20.02.2011 was issued in accordance with Rule 35(aa) of the Tamil Nadu State and Subordinate Service Rules and therefore, there is no necessity to revise the seniority already issued in the year 2011. It is aggrieved by the said order dated 17.02.2015, the petitioners filed the present writ petition.

3. Out of the nine petitioners, it is only the first petitioner who

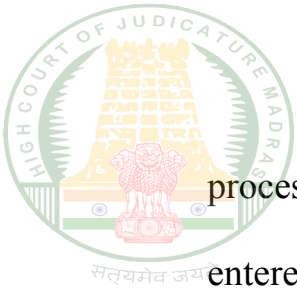


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claimed to have objected the seniority list on 10.02.2011, by submitting a representation dated 12.03.2011. Whether the said representation dated 12.03.2011, was in fact submitted by the petitioner at the relevant point of time or not is not clear, and there is no proof of submitting the said representation dated 12.03.2011 at the relevant point of time. Though this court by an order dated 28.11.2014, directed the second respondent to consider the representation dated 12.03.2011, the second respondent passed orders dated 17.02.2015 bearing R.No.45857/E1/2014/S3 without there being any reference to the said representation, but only taking into consideration the order dated 09.12.2014 passed by this court.

4. In the absence of any proof of having raised any objection against seniority list dated 20.02.2011, within a period of three years, any contest thereafter is barred under Rule 35(f) of the Tamil Nadu State and Subordinate Service Rules. On this ground alone, the writ petition is liable to be dismissed.

5. Be that as it may, though the Tamil Nadu Public Service Commission issued the notification in the year 1991, and the recruitment



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process completed only in the year 1995, and for the first time, the petitioners entered the cadre of 'Senior Entomologist' in the year 1995 and whereas, the respondents 4 to 11 were all appointed to said post during the year 1993, much ahead of the petitioners herein. Under those circumstances, the respondents 4 to 11 are bound to be treated as seniors to the petitioners herein

6. In the circumstances, this court does not find any error or illegality in the seniority list issued on 20.02.2011, and accordingly, the writ petition is dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

07.07.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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W.P.No.9109 of



To

1. The Principal Secretary to Government of Tamil Nadu,
Health & Family Welfare Department,
Secretariat, Fort St. George, Chennai – 600 009.
2. The Director of Public Health and Preventive Medicine,
DMS Complex, Teynampet, Chennai – 600 006.
3. The Secretary, Tamil Nadu Public Service Commission,
Frazer Bridge Road, Park Town, Chennai – 600 003.



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MUMMINENI SUDHEER KUMAR, J.

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