



WP No.15278 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 07.08.2025

CORAM:

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P No.15278 of 2025

R.N.Dhanasekaran

... Petitioner

Vs.

1. The Government of Tamil Nadu
Represented by its Additional Chief Secretary
Highways and Minor Ports
Secretariat, Fort St. George
Chennai-600 009.

2.The Director General
Highways Department
Guindy, Chennai-600 025

3.The Tamil Nadu Public Service Commission
Represented by Secretary
Frazer Bridge Road
Chennai-600 003.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to revise the inter-se seniority of the Assistant Engineers as per the marks basis (Merit) based on the petitioner's representations dated 09.01.2025, 10.01.2025 and 04.04.2025 and promote the petitioner as Superintendent Engineer.



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For Petitioner : Mr.Sathyaraj.E
For R1 & R2 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
For R3 : Mr.R.Bharanidharan
Standing Counsel

ORDER

The instant writ petition has been filed, directing the respondents to revise the seniority of the petitioner based upon the merits.

2. Heard the learned counsel on either side and also perused the materials available on record.

3. It is an admitted fact that the petitioner was appointed on 23.01.1998. The objection raised by the respondent is that according to the Supreme Court's judgment, the cut off date is only 10.03.2003 and the seniority of the persons those who have been selected and appointed on or after 10.03.2003 alone were directed to be revised based upon merits and hence, prays for dismissal of the writ petition.



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4. I have given my anxious consideration to either side submissions.

5. It is an admitted fact that the petitioner was appointed on 23.01.1998 as per the judgment of the Hon'ble Supreme Court dated 18.04.2023 in Contempt Petition (Civil) Diary No.6415 of 2021, and in the said judgment, the Hon'ble Supreme Court had observed as follows:

"We, therefore, though not inclined to disturb the seniority list which are finalised prior to 10th March 2003, wherein the benefit is granted to either of the parties i.e as per the roster or as per the seniority list, the seniority list finalized after 10th March, 2003 will have to be revisited in accordance with the law laid down by this court in Bimlesh Tanwar (supra) and first judgment of the Madras High Court.

We, therefore, direct the State Government to complete the exercise of finalizing the seniority list of selection processed conducted after 10th March, 2003 on the basis of the merit as determined by the TNPSC in the selection process.

It is further made clear that if any list is finalised in case of selection held prior to 2003 giving benefit to the persons selected as per their seniority or as per merit, the same shall also not to be disturbed".



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6. In view of the above observation, it is amply clear that any seniority which had been fixed based upon the communal roster prior to 10th March 2003 is undisturbed. Therefore, the prayer of mandamus sought by the petitioner to revise his seniority where his appointment date is 23.01.1998, is in contravention to the judgment of the Hon'ble Supreme Court. Hence, there is no merits in the present writ petition.

7. Accordingly, this writ petition is dismissed. No costs.

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Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No



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C.KUMARAPPAN,J

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