

W.P. No. 42610 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 01-08-2025

CORAM

THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P No. 42610 of 2016

S. Nagamani

..Petitioner

Vs

1.The Commissioner/Director,
Rural Development & Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai – 600 015.

2.The District Collector,
Kancheepuram District,
Kancheepuram – 631 501.

3.The Block Development Officer/Commissioner,
Kancheepuram Panchayat Union,
Kancheepuram.

..Respondents

Writ petition is filed under Article 226 of Constitution of India, praying for issuance of writ of certiorarified mandamus, to call for the records relating to the order of the second respondent made in R.C.No.2161/2016/PA2 dated 07.11.2016, to quash the same and to consequently direct the respondents to place the petitioner at the appropriate place between Selvam and Saleem Khan in the list drawn for the post of Deputy Block Development Officer and to extend all benefits both service and monetary.

For Petitioner : Mr. L. Chandrakumar



WEB COPY



W.P. No. 42610 of 2016

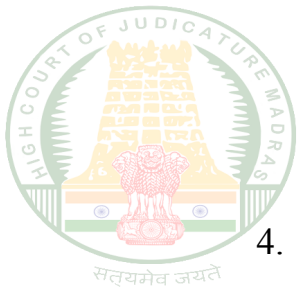
For Respondents : Mrs. R.L. Karthika,
Government Advocate

ORDER

The captioned writ petition has been filed challenging the order dated 07.11.2016 issued by the second respondent. By the said order, the request of the petitioner to place his name above Saleem Khan in temporary seniority list of Deputy Block Development Officer, came to be rejected.

2. The petitioner was initially appointed as Surveyor cum Draughtsman on consolidated basis and subsequently absorbed as Junior Assistant on 13.09.1990. The petitioner completed the departmental examination on 24.12.1999, for the purpose of considering the case of the petitioner for promotion to the post of Assistant. The petitioner was placed below Saleem Khan in the seniority list of Assistant. The petitioner's contention is that Saleem Khan is junior and therefore, the petitioner's name should have been placed above Saleem Khan in the seniority list.

3. Heard the learned counsel for the parties.



W.P. No. 42610 of 2016

4. The second respondent has filed counter affidavit stating that the petitioner's name was placed below Saleem Khan in the seniority list, since the petitioner had completed departmental examination on 24.12.1999 i.e., after 5 years from the date of appointment as Junior Assistant. However, Saleem Khan had completed departmental examination on 31.05.1999 before completion of 5 years of service, as Junior Assistant.

5. Therefore, the respondents have rightly placed the petitioner below Saleem Khan in the seniority list of Junior Assistant. Since the petitioner had completed the departmental examination only after the expiry of five years from the date of appointment as Junior Assistant, and Rule 26 of the Tamil Nadu Subordinate Service Rules mandates that the departmental test must be completed within five years, the impugned order passed by the second respondent does not suffer from any legality or infirmity. Hence, the writ petition is devoid of merits.

6. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

01-08-2025

Index : Yes/No
Neutral Citation : Yes/No
AT



WEB COPY



W.P. No. 42610 of 2016

HEMANT CHANDANGOUDAR, J.

AT

To

- 1.The Commissioner/Director,
Rural Development & Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai – 600 015.
- 2.The District Collector,
Kancheepuram District,
Kancheepuram – 631 501.
- 3.The Block Development Officer/Commissioner,
Kancheepuram Panchayat Union,
Kancheepuram.

W.P No. 42610 of 2016

01.08.2025