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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 27050 of 2025

and

WMP Nos.30348, 30349 & 30351 of 2025

V.Dharman

Assistant/Rural Welfare Officer Grade - I,
Section of Block Panchayat,
Morappur Panchayat Union,
Dharmapuri District - 635 305.

Petitioner(s)

Vs

1. State of Tamil Nadu

Rep by its Secretary,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai.

2.The Director,

Rural Development and Panchayat Raj Department,
Panagal Maligai, Saidapet, Chennai.

3.The District Collector,

Dharmapuri District.

4.Y.Yesuraja

Zonal Deputy Block Development Officer, (Zone-
4) Nallampalli Panchayat Union, Dharmapuri



District.

5.M.Ranganathan

Zonal Deputy Block Development Officer, (Zone-4), Pappirettipatti Panchayat Union, Dharmapuri District.

6.S.Agilandeswari

Rural Welfare Officer Grade -1,
Section of Block Panchayat,
Nallampalli Panchayat Union,
Dharmapuri District.

7.A.Mahalakshmi

Rural Welfare Officer Grade -1,
Section of Village Panchayat,
Pappirettipatti Panchayat Union,
Dharmapuri District.

8.S.Mahalakshmi

Rural Welfare Officer Grade -1,
Section of Village Panchayat,
Harur Panchayat Union, Dharmapuri District.

9.K.Vaijyanthi

Rural Welfare Officer Grade -1,
Section of Block Panchayat,
Harur Panchayat Union, Dharmapuri District.

10.K.M.Senthilkumar

Rural Welfare Officer Grade -1,
Section of Block Panchayat,
Eariyur Panchayat Union,
Dharmapuri District.

11.M.Kanchana



Rural Welfare Officer Grade -1,
Section of Block Panchayat,
Karimangalam Panchayat Union,
Dharmapuri District.

Respondent(s)

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the 2nd respondent herein in Na.Ka.80349/15/B1, dated 15.2.2016 and rejection order of the 3rd respondent in Na.Ka.No.332/2024/K2 dated 27.03.2024 and rejection order of the 2nd respondent in Na.Ka.No.34960 of 2024/C1 dated 19.02.2025 and consequential approved name panel list issued by the 3rd respondent in Na.Ka.No.5065/2025/K2 dated 20.03.2025 and quash the same and consequently direct the respondents 1 to 3 herein to re-fix the petitioner's seniority as Sl.No.23 below Thiru.S.Senthilkumar and above Sl.No.24 Thiru.Y.Yesuraja in the impugned seniority list and accordingly to promote the petitioner to the post of Deputy Block Development officer on par with his immediate junior when he was promoted to the post of Deputy Block development officer and further promotions and other monetary benefits.

For Petitioner(s): Mr.P.Nethaji

For Respondent(s): Mr.R.U.Dinesh Rajkumar AGP
for R1 to R3
Mr.S.Sathish,
for R4 to R11

ORDER

This writ petition has been filed to call for the records of the 2nd



respondent herein in Na.Ka.80349/15/B1, dated 15.2.2016 and rejection order of the 3rd respondent in Na.Ka.No.332/2024/K2, dated 27.03.2024 and rejection order of the 2nd respondent in Na.Ka.No.34960 of 2024/C1, dated 19.02.2025 and consequential approved name panel list issued by the 3rd respondent in Na.Ka.No.5065/2025/K2, dated 20.03.2025 and quash the same and consequently, direct the respondents 1 to 3 herein to re-fix the petitioner's seniority as Sl.No.23 below Thiru.S.Senthilkumar and above Sl.No.24 Thiru.Y.Yesuraja in the impugned seniority list and accordingly, to promote the petitioner to the post of Deputy Block Development officer on par with his immediate junior when he was promoted to the post of Deputy Block development officer and further promotions and other monetary benefits.

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

3.Similar writ petitions were allowed by this Court and aggrieved by the same, the first respondent filed a batch of writ appeals in W.A.Nos.686 to 692 of



2020 before this Court. The Hon-ble Division Bench of this Court, by an order dated 14.03.2024, allowed the writ appeals. The relevant portion of the order is extracted hereunder :

6. We had gone through the initial order of the Division Bench of this Court in a batch of Writ Petitions in W.P.No.19960 of 1994 and etc., batch dated 19.04.2005. It is true that the Writ Petitions came to be filed by similarly placed Grama Sevaks. A thorough reading of the aforesaid judgment would indicate that the Rules relating to the Grama Sevak namely the Grama Sevaks Service Rules, 1964 was placed before the Division Bench of this Court. The Division Bench had in fact extracted Rule 11 of the said Rules, wherein, the Rule envisaged that the seniority of the Grama Sevaks shall be fixed with reference to the aggregate marks obtained by them, which had in the tests held during the period of training that is referred to in Rule 9 and in the final examination on the completion of the training.

7. It is to be noted that the Division Bench was not appraised the subsequent amendment



made in the year 1971, wherein, 1964 Rules were superseded and a new set of Rules were made. Rule 11 dealt with seniority which was the same as available in Rule 11 of the 1964 Rules. But, however, Rule 12 dealt with postings and transfers. Rule 12(b) of the Rules in clear terms would indicate that when a transfer is by a mutual consent or at a request, the person will take his rank last in list of probationer/ approved probationer/ full members as their case may be in that category. The said Rules again underwent an amendment in the year 1976, wherein, the 1971 Rules were superseded and the said Rules was deemed to have come into force on 02.07.1971, that is on the date of which the 1971 amendment were notified. Under the said Rules it could be seen that the Rule 11 regarding the fixation of seniority had been omitted and the Rule 12 of the 1971 Rules became Rule 11. Under Rule 11(b), the similar provision of fixation of the seniority of a person who had by transfer through mutual consent or his request had been retrietaed. For better appreciation, Rule 11(b) is extracted



hereunder:~

“11. Postings and Transfers:

(a).....

(b) In case of transfer by mutual consent or at request the person will take his rank last in the list of probationers or approved probationers or full members as the case may be in that category.”

8. It is unfortunate that this amended Rule had not been placed before the Division Bench of this Court in an earlier batch of Writ Petitions. Since, the Division Bench felt that there was no provision for fixation of a seniority of a transferred person either on administrative grounds or on request, had applied only Rule 35B of the Tamil Nadu State Sub ordinate Service Rules. Had this amended Rules been placed before the Division Bench, we are sure the Division Bench would not have taken such a view. This conclusion we arrive at is on the basis of a well settled principle that when a Special Rule is available for a particular cadre of service, then the General Rules cannot be



made applicable to that cadre of services.

9. In view of the aforesaid findings and reasonings, we are of the view that the judgment of the Co-ordinate Bench had not laid down the correct preposition of law for us in to fall in line with the same. Since the learned Single Judge had relied upon the said judgment in coming to a conclusion that the respondents who are similarly placed persons who were the beneficiaries of the Division Bench judgment could also be extended with the same benefit. The learned Single Judge had also not looked into the said Rule eventhough it had been brought to the notice of him. Therefore, the orders impugned before us would have to necessarily be interfered with.

10. In fine, these Writ Appeals are allowed and the orders passed by the learned Single Judge, impugned in these Writ Appeals are set aside and consequently, the Writ Petitions filed by the respective respondents are dismissed. However, no order as to costs. Consequently, connected miscellaneous petitions are closed.”



4. In view of the above, the writ petition stands dismissed. Consequently,

connected miscellaneous petitions are closed. No costs.

28-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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Fort St. George, Chennai.

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Panagal Maligai, Saidapet, Chennai.

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4. Y. Yesuraja

Zonal Deputy Block Development Officer, (Zone-

4) Nallampalli Panchayat Union, Dharmapuri

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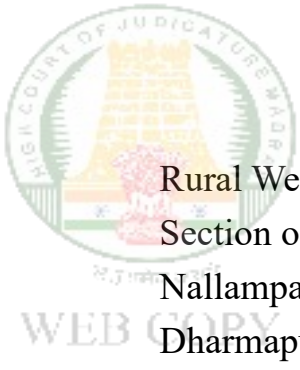
5. M. Ranganathan

Zonal Deputy Block Development Officer, (Zone-

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