



W.P.No.35274 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

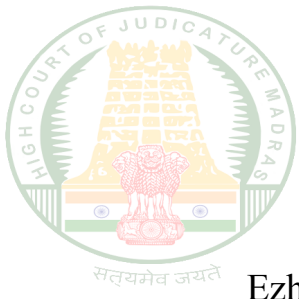
W.P.No.35274 of 2023
and WMP.No.35241 of 2023

1. R.Kannaki
2. U.Vinothkumar
3. N.Velu
4. K.Kalaiselvan
5. T.Anbumani
- 6.R.Arthi
- 7.S.Sivakumar
- 8.R.Tamilselvan
- 9.P.Sudha
- 10.K.Amanullah

... Petitioners

Vs

1. The Secretary to Government
Revenue (Services) Department,
Secretariat, Fort St.George,
Chennai – 9.
2. The Additional Chief Secretary/
Commissioner of Revenue Administration
and Disaster Management,
Directorate of Revenue Administration,



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WEB COPY Ezhilagam, Chepauk
Chennai – 5.

3. The District Collector,
Ariyalur District,
Ariyalur.
4. The Member Secretary,
Tamil Nadu Public Service
Commission,
Chennai – 2.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus to direct the respondents 1 & 2 to reduce the number of vacancies for the post of Assistant furnished to the 4th respondent for direct recruitment as per the notification No.3/2022 dated 23.02.2022 as three (3) instead of eleven (11) in the light of the letters of the 3rd respondent in Ref.No.A2/1523/2017 dated 18.05.2022 and Na.Ka.No.A2/1523/2017 dated 14.10.2023 within a reasonable time.

For Petitioners : Mr.K.Venkataramani
Senior Counsel for
Mr.M.Muthappan

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
for R1 to R3

Mr.G.Hema
Standing Counsel for R4



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ORDER

This writ petition has been filed for issuance of a writ of mandamus to direct the respondents 1 & 2 to reduce the number of vacancies for the post of Assistant furnished to the 4th respondent for direct recruitment as per the notification No.3/2022 dated 23.02.2022 as three (3) instead of eleven (11) in the light of the letters of the 3rd respondent in Ref.No.A2/1523/2017 dated 18.05.2022 and Na.Ka.No.A2/1523/2017 dated 14.10.2023.

2. The case of the petitioners is that they are appointed as Junior Assistants/Junior Grade Revenue Inspectors and all of them have successfully completed their probation and became a full member of service. The petitioners 1 to 9 have already promoted temporarily as Senior Grade Revenue Inspectors in the year 2022. While so, the 4th respondent in their notification No.3/2022 dated 23.10.2022 invited application for direct recruitment to the posts of Assistant in the

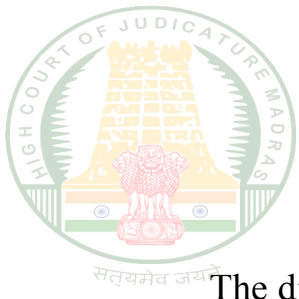


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Revenue Department. In the said notification the department of sericulture, where the posts of Assistant for direct recruitment was wrongly mentioned as 29. Subsequently, based on the representation made by the Department, it was reduced from 29 to 19, for which a separate addendum was issued by the 4th respondent in their notification No.03C/2022 dated 30.09.2023. Further in the said notification for Ariyalur District concerned, 11 posts have been notified by the Department to be filled up by direct recruitment. The vacancy is based on a wrong estimation given by 3rd respondent without verifying the actual number of posts available. The 3rd respondent sent a communication to the 2nd respondent on 18.05.2022 and on 14.10.2023 reducing the estimation of vacancies from 11 to 3 and to delete 8 posts. The 2nd respondent has not passed any orders till date. Hence this writ petition.

3. The learned counsel for the petitioner would submit that on 30.11.2023 only 8 posts of Senior Grade Revenue Inspector is available 15 posts have already been disbanded. Now from 2022, the posts meant for different recruitment totalling about 11 posts are yet to be filled upon.



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The direct recruitment to the tune of 8 posts have to be recalled. In so far as the Ariyalur Revenue District unit is concerned, for the year 2021-2022 the estimation of vacancies for direct recruitment was shown as 11 but the fact remains there are only 3 posts which are to be filled up by direct recruitment. The said 11 posts for direct recruitment in the cadre of Revenue Assistant in the Ariyalur District is based on a wrong estimation given by 3rd respondent, without verifying the actual number of posts available for the direct recruitment and for the promotees.

4. He further submitted that for the year 2021-22 by a wrong estimation of the vacancies, in respect of directing the 4th respondent to recruit three (3) posts for direct recruitment to the post of Assistant, eleven (11) posts has been furnished by the third respondent, without taking into account the ground reality and also the ratio in which the promotion have been made and followed by the recommendation of the 2nd respondent, 4th respondent has called for as many eleven (11) vacancies for the post of Assistant in their Notification No.3/2022 dated 23.03.2022 for recruitment to the post of Assistant in Ariyalur district.

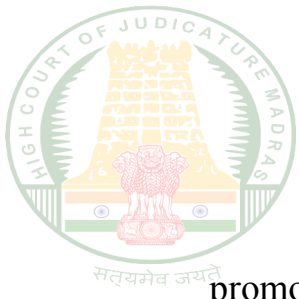


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The wrong estimation of vacancies furnished was later on realised and the proposal has already been sent to the 2nd respondent on forward transmission to the 4th respondent for reducing the direct recruitment vacancies in respect of Ariyalur district. As there was no response the persons who are likely to be affected by such direct recruitment based on wrong estimation has come forward to file this writ petition based on the proposal sent by the third respondent for reducing the direct recruitment vacancies for the year 2021-2022. The proposal is still pending with the 2nd respondent.

5. Moreover, whenever there is a disbandment of the posts, only the promotees Senior Grade Revenue Inspectors are reverted and not the direct recruits. The petitioners have already been promoted temporarily as Senior Grade Revenue Inspectors and expecting their promotion in the panel of Assistant of the year 2022 for promotees. If, the wrong estimation of the vacancy in respect of the direct recruitment is considered and recruitment is made, then on that basis, if any appointment is based for direct recruitment, the petitioners who are



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promoted may likely to be reverted, apart from that, the ratio between the direct recruit and promotee will be totally jeopardised. The 2nd respondent has to take steps based on the letters sent by the third respondent and reduce the direct recruitment vacancies from 11 to 3, otherwise the petitioners valuable right of promotion will be jeopardised. As the proposal sent by the 3rd respondent is still pending with the 2nd respondent, unless the 2nd respondent is directed to consider the proposal sent by the third respondent in his letter dated 18.05.2022 and also the reminder on 14.10.2023 for reduction of the posts for direct recruitment from 11 to 3 for the year 2021-22 and notify the same through the 4th respondent, the petitioners will be put to great hardship. The balance of convenience is in favour of the petitioners. Hence, the petitioners have got no other alternate except approaching this Court.

6. A detailed counter affidavit has been filed by the 3rd respondent and stated that the contention of the petitioners is paragraph 4 is misleading, misconceived and devoid of truth. It is submitted that the estimation of vacancies for the post of Assistant in district revenue units,



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for the year 2019-20, 2020-21, 2021-22 was estimated as per rules and regulations in force and vacancies earmarked for direct recruitment was furnished to Tamil nadu Public Service Commission by Additional Chief Secretary/Commissioner of Revenue Administration vide 2nd respondent Lr.No.Ser 4(1)/21341/2021 dated 09.09.2021. For, Ariyalur district revenue unit following vacancies earmarked for direct recruitment for the post of Assistant was furnished to TNPSC.

<i>For the year</i>	<i>No.of vacancies earmarked for direct recruitment for the post of Assistant</i>
2019-2020	Nil
2020-21	3
2021-22	8
Total	11

Thus for Ariyalur district revenue unit, in the year 2021-22, 8 vacancies were estimated for direct recruitment for the post of Assistant through Tamil Nadu Public Service Commission and 15 vacancies were estimated for promotion. Thus, the contention of petitioners stating that for the year 2021-22 a wrong estimation was made for 11 posts instead of 3 posts, is totally wrong as the estimate for direct recruitment for the post of



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Assistant furnished to Tamil Nadu Public Service Commission was only for 8 vacancies for the year 2021-22 and not 11 vacancies as stated by the petitioners. Hence the main contention filed by the petitioners is totally wrong.

7. The above estimation is in accordance with Tamil Nadu Ministerial Service special rules 38(b) (ii) read with Annexure – IX. In the above rule it has been clearly stated that “for directly recruited Assistants, the number of vacancies in any district filled up shall not exceed the one third of the total number of vacancies arising in such district in that year. The total number of vacancies estimated for Ariyalur district revenue unit as on 15th March 2021 was reported as 23 by 3rd respondent. So, one third ratio was followed and estimate of vacancies for direct recruitment for Ariyalur district was arrived as 8. Accordingly, the above said vacancies were included in Notification No.3/2022 dated 23.03.2022 issued by Tamil Nadu Public Service Commission. Thus the estimation arrived for the year 2021-22 by 2nd respondent in respect of Ariyalur district revenue unit is fully correct.



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8. The petitioners 2 to 10 were appointed as Junior Assistant/Typist in the year 2019 through TNPSC and they have completed their probation only in the year 2023. Based on the seniority and eligibility of the petitioners 1 to 7 their names were included in the Assistant panel for the year 2024 in Ariyalur District Revenue Unit. The petitioners 8 to 10 are still serving as Junior Revenue Inspector/Typist. As the petitioners were qualified for inclusion in Assistant panel only in the year 2024, the estimate arrived for direct recruitment for the year 2021-22 is no way connected to the petitioner's promotion to the cadre of Assistant. Hence the contention of the petitioners to cancel the estimate the vacancies for the year 2021-22 is totally irrelevant and baseless. Moreover, based on the estimate of vacancies for Direct Assistant for the year 2021-22, Tamil Nadu Public Service Commission allotted eleven (11) directly recruited Assistants to Ariyalur District Revenue Unit and they joined in the year 2024 in Ariyalur District Revenue Unit. Hence the question of revising the estimate of Assistant for the year 2021-22 does not arise and the same has to be dismissed.



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WEB COPY 9. The learned counsel for the 4th respondent submitted that they have already adopted the counter affidavit filed by the District Collector, Ariyalur district and the same may be treated as her argument.

10. On going through the averments, it is seen that the petitioners claim have not been considered by the third respondent and 2nd respondent has called for recruitment and directly recruited 11 persons and they were also included in the said Ariyalur district and the petitioners claim for the year 2021-2022 has already been lapsed and regarding the future vacancies if any arises, the petitioners claim regarding the promotees and the direct recruitment has to be fixed by the first respondent and accordingly, he can pass appropriate orders on the representation made by the petitioners after affording an opportunity to the parties concerned within a period of sixteen weeks from the date of receipt of a copy of this order.

11. With the above direction, the writ petition is disposed of. No



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costs. Consequently, connected miscellaneous petition is also closed.

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Index: Yes/No

Speaking order / Non speaking order

To

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V. BHAVANI SUBBAROYAN, J.



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