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W.P.(MD) No.797 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.797 of 2022

and

W.M.P.(MD) Nos.647, 648 & 650 of 2022

P.Pachaimuthu

... Petitioner

-VS-

- 1.The State of Tamil Nadu
rep.by the Principal Secretary
to Government
Rural Development and
Panchayat Raj Department
Secretariat, Chennai-9
- 2.The Director
Rural Development and
Panchayat Raj Department
Panagal Building, Saidapet
Chennai-600 015
- 3.The District Collector
O/o.The Collectorate Campus
Dindigul, Dindigul District



W.P.(MD) No.797 of 2022

WEB COPY

4.The Block Development Officer
O/o.The Block Development Officer
Thoppampatti Union
Thoppampatti Taluk
Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No. 951/2020/Uo.Va.1(4) dated 22.11.2021 and quash the same as illegal in so far as petitioner is concerned and the consequential impugned seniority list published by the 3rd respondent in his proceedings in Na.Ka.No. 951/2020/Uo.Va.1 dated 29.11.2021 in so far as petitioner in Serial No.133 of seniority list of Junior Assistant for the year 2013-2014 is concerned and quash the same as illegal and consequentially to direct the 2nd respondent to declare the petitioner's probation w.e.f.14.01.2012 and re-fix the seniority on par with her batch mates below the Serial No.31 of the seniority list of Junior Assistant for the year 2012-2013 within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.A.Baskaran
Additional Government Pleader



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W.P.(MD) No.797 of 2022

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent, dated 22.11.2021, and the consequential impugned seniority list published by the third respondent dated 29.11.2021.

2. The grievance of the petitioner is that his probation has been illegally reversed by the third respondent under the impugned proceedings by declaring the same as 22.05.2012 instead of 14.01.2012. According to the petitioner, due to erroneous reversion of his date of probation, the consequential impugned seniority list, dated 29.11.2021, has been erroneously published by the third respondent.

3. The petitioner is working as Deputy Block Development Officer (Village Panchayat) in Dindigul District. Initially, he was appointed as Junior Assistant by direct recruitment through the Tamil Nadu Public Service Commission on 27.05.2009 at Panchayat Union Office, Thoppampatti, Dindigul District and his service was regularized by the third respondent by his proceedings dated 05.03.2010 with effect from the date of his appointment



W.P.(MD) No.797 of 2022

WEB COPY

on 29.05.2009 with a condition to pass all departmental tests and Bhavani Sagar Training, within a period of two years of the probation period. The petitioner has completed all the departmental tests before 01.03.2010 i.e., within the probation period. It is an admitted fact that due to administrative reasons, the respondents did not conduct the Bhavani Sagar Training within the period of two years of the petitioner's probation period. Only after the period of two years of the probation period, the third respondent by his proceedings, dated 20.10.2011, sent the petitioner for Bhavani Sagar Training from 16.11.2011 to 14.01.2012. The petitioner had participated in the Bhavani Sagar Training batch dated 14.01.2012. Out of six papers, he had passed in five papers. Thereafter, in the re-examination conducted by the third respondent on 22.05.2012 in respect of the failed paper, the petitioner also passed the same and his probation was declared with effect from 14.01.2012 by the third respondent vide his proceedings dated 24.09.2012.

4. Thereafter, the petitioner was promoted as Assistant on 29.09.2012 at Panchayat Union Office, Ottanchathiram Union, Dindigul District. However, the third respondent, by his proceedings dated 05.03.2010 published the seniority list for the period 2012-2013, in which, the petitioner's



W.P.(MD) No.797 of 2022

WEB COPY

name stands in Serial No.133 below the name of one K.Arumugam and above the name of one P.Rajasekaran. The service particulars of the petitioner, K.Arumugam and P.Rajasekaran are detailed hereunder:

S.N	Name of the Employee and post	Date of Joining as Jr.Asst / Typist / Date of Joining from other district to present district.	Date of Completion of probation in the post of Junior Assistant.	Seniority No. in the cadre of Junior Assistant.	Date of Joining as	Seniority No. in the cadre of Assistant.
30	P.Rajasekaran	26.05.2009	04.06.2011	149	29.06.2012	23
133	P.Pachaimuthu	27.05.2009	22.05.2012	150	29.09.2012	24
31	K.Arumugam	28.05.2009	02.06.2011	151	30.06.2012	25

5. The petitioner was promoted as Deputy Block Development Officer at Thoppampatti Panchayat Union Officer, Dindigul District, on 17.06.2017 and thereafter, he was transferred to various places and at the time of filing of this writ petition, he was working as Deputy Block Development Officer at Thoppampatti Panchayat Union, Dindigul District.

6. The petitioner's grievance is that the third respondent, by his impugned proceedings dated 22.11.2021, revised his date of probation as



W.P.(MD) No.797 of 2022

WEB COPY

22.05.2012 instead of 14.01.2012, on the ground that he had completed the Bhavani Sagar Training only in his second attempt i.e., on 22.05.2012. Based on the revised probation order issued by the third respondent, the petitioner's seniority has also been revised by the third respondent under the consequential impugned proceedings dated 29.11.2021, in which, the petitioner's name has been included in Serial No.133 of 2013-2014 Assistant seniority list. Whereas, the petitioner's junior's name K.Arumugam was included serial No.31 of 2012-2013 Assistant seniority list. The seniority list for the post of Assistant for the year 2012-2013 pertaining to Mr.P.Rajasekaran and Mr.K.Arumugam are detailed hereunder:

S.N	Name of the Employee and post	Date of Joining as Jr.Asst / Typist / Date of Joining from other district to present district.	Date of Completion of probation in the post of Junior Assistant.	Seniority No. in the cadre of Junior Assistant.	Date of Joining as Assistant.	Temporary Seniority No. in the cadre of Assistant.	Confirmed Seniority No. in the cadre of Assistant.
30	P.Rajasekaran	26.05.2009	04.06.2011	149	29.06.2012	23	30
31	K.Arumugam	28.05.2009	02.06.2011	151	30.06.2012	25	23

7. The regulation or the appointment order does not disqualify an employee for declaration of probation, on the ground that he did not complete his Bhavani Sagar Training in the first attempt. The case of the petitioner is



W.P.(MD) No.797 of 2022

WEB COPY

that for the similarly placed employees, whose training was belatedly conducted after a period of two years, the respondents had declared probation for them with effect from the date of completion of the two years probation period. Therefore, according to the petitioner, the impugned order declaring his probation from the date of completion of the Bhavani Sagar Training amounts to discrimination and it is arbitrary. The petitioner also rely upon Rule 32(A)(1) of the Tamil Nadu Ministerial Service Rules and has stated that the said Rule does not contemplate that the employee should complete his training in the first attempt or in the second attempt. Rule 32(A)(1) of the Tamil Nadu Ministerial Service Rules reads as follows:

“32(A)(1) Every person appointed to a category by direct recruitment shall be on probation for a total period of two years on duty within a continuous period of three years.

The individual in the cadre of Junior Assistant is eligible for promotion to the post of Assistant on satisfying the following conditions:

- 1. His probation declared successful.*
- 2. His service should be regularized in the cadre of Junior Assistant.*
- 3. He should complete the foundational training at Civil Service Training Institute at Bhavanisagar, Tamil Nadu.*



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W.P.(MD) No.797 of 2022

4. *He should successfully complete the departmental examination conducted by the Tamil Nadu Public Service Commission.”*

8. Since the petitioner has completed the Bhavani Sagar Training and since only due to the administrative reason, the Bhavani Sagar Training was not conducted by the respondents within the two years period, for no fault of the petitioner, he claims that the impugned orders declaring his probation as 22.05.2012 instead of 14.01.2012 is erroneous, arbitrary and illegal. The petitioner also claims that the consequential impugned seniority list dated 29.11.2021 is, therefore, erroneous, since he is senior to both P.Rajasekaran and K.Arumugam.

9. A counter affidavit has been filed by the third respondent reiterating that since the petitioner did not complete the Bhavani Sagar Training in the first attempt, the date of his probation declared under the impugned order is correct. It is also contended that by the proceedings of the second respondent dated 04.05.2015, it was clarified that the date of completion of the Bhavani Sagar Training by the employee will alone be considered to be the date of his probation.



W.P.(MD) No.797 of 2022

WEB COPY

10. The very same issue, which is the subject matter of consideration in this writ petition, was considered in various other writ petitions filed by the similarly placed employees, who had not passed the Bhavani Sagar Training in the first attempt as is the case of the petitioner herein.

11. The following authorities in respect of the petitioner's case in identical matters have also been enclosed in the typed set of papers filed by the petitioner:

- a. Order of the learned Single Judge of this Court, dated 16.02.2021, passed in W.P.(MD) No.25006 of 2019, in the case of ***M.Balamurugan vs. The State of Tamil Nadu and others.***
- b. Order of the learned Single Judge of this Court, dated 29.03.2021, passed in W.P.(MD) No.15585 of 2018, in the case of ***T.Gunaseela Subramani and others vs. The Principal Secretary to Government, Commercial Taxes and Registration Department and others.***



W.P.(MD) No.797 of 2022

WEB COPY

- c. Order of the learned Single Judge of this Court, dated 28.07.2021, passed in W.P.(MD) No.28873 of 2017, in the case of ***M.Narendiran vs. The State of Tamil Nadu and others.***
- d. Order of the learned Single Judge of this Court, dated 30.09.2021, passed in W.P.(MD) No.6917 of 2017, in the case of ***T.Aathi Shiva vs. The Additional Chief Secretary to Government, Department of Commercial Taxes and Registration and others.***

12. In all the aforesaid decisions, this Court has consistently held that since there are no Regulations governing the declaration of probation for belated deputation to training, owing to administrative delays, the reference to Rule 26(A)(2) that declaration of probation will commence on the day following the completion of the Bhavani Sagar Training is unjustifiable and illegal. In all those decisions as well, the employees did not pass the Bhavani Sagar Training in the first attempt. However, within the period of two years from the date when they were deputed for Bhavani Sagar Training, they had completed the training, as is the case of the petitioner herein. Since there is no Rule to



W.P.(MD) No.797 of 2022

WEB COPY

the effect that training should not be completed in the second or subsequent attempts during the probation period, the question of declaring the petitioner's probation on the date when he completed the Bhavani Sagar Training is erroneous, arbitrary, illegal and also unjustifiable.

13. The clarification order issued by the second respondent to the third respondent dated 04.05.2015 relied upon by the respondents is a subsequent proceeding, which had been issued after the petitioner was appointed into the service. Further, it is not a statutory rule or regulation, which the petitioner had knowledge of at the time when he was deputed for the Bhavani Sagar Training. Similarly placed employees have already been granted the relief, which the petitioner is seeking in this writ petition. While that be so, the question of rejecting the petitioner's stand does not arise that too when Rule 32(A)(1) of the Tamil Nadu Ministerial Service Rules does not contemplate that the employee should complete his training in the first attempt itself. For the foregoing reasons, the impugned proceedings have to be quashed by this Court and this writ petition will have to be allowed.



W.P.(MD) No.797 of 2022

WEB COPY

14. Accordingly, this writ petition is allowed and the impugned proceedings of the third respondent, dated 22.11.2021, is hereby quashed and the third respondent is directed to declare the petitioner's probation as completed on 14.01.2012 instead of 22.05.2012 as per the impugned order dated 22.11.2021. Since the impugned order dated 22.11.2021 passed by the third respondent is quashed, a direction is issued to the third respondent to extend all service and monetary benefits due to the petitioner with effect from 14.01.2012. The third respondent shall also ensure that the petitioner's seniority is fixed appropriately while granting future promotions to him. No costs. Consequently, connected miscellaneous petitions are closed.

23.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

1.The Principal Secretary to Government,
Rural Development and
Panchayat Raj Department,
State of Tamil Nadu,
Secretariat, Chennai-9.



W.P.(MD) No.797 of 2022

WEB COPY

- 2.The Director,
Rural Development and
Panchayat Raj Department,
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Chennai-600 015.
- 3.The District Collector,
O/o.The Collectorate Campus,
Dindigul, Dindigul District.
- 4.The Block Development Officer,
O/o.The Block Development Officer,
Thoppampatti Union,
Thoppampatti Taluk,
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W.P.(MD) No.797 of 2022

ABDUL QUDDHOSE, J.

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W.P.(MD) No.797 of 2022
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23.10.2025