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W.P.(MD) No.12033 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD) No.12033 of 2025

and

W.M.P.(MD) Nos.8856, 8858 & 8859 of 2025

P.Velraja

... Petitioner

-vs-

The Principal District Judge
Office of the Principal District Judge
Theni

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to both the impugned proceedings of the respondent of the same dated 23.02.2024 declining proper revised inter-se seniority of the petitioner, quash the same and consequently directing the respondent herein to consider the objections made in his representation dated 21.02.2025 to fix inter-se seniority between the Junior Assistants and Typists selected under the same direct recruitment for the year 2013-2014.



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For Petitioner : Mr.Y.Sasikumar

For Respondent : Mr.M.Mohamed Athiff

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The order of rejection seeking revision of seniority sought for by the petitioner in the post of Junior Assistant is under challenge in the present writ petition.

2. The petitioner was selected as Junior Assistant through direct recruitment by the Tamil Nadu Public Service Commission in the year 2013-2014. The selection, through the Tamil Nadu Public Service Commission, had been conducted based on the merit and the merit ranking list published by the Tamil Nadu Public Service Commission is to be followed for fixing seniority of the candidates as per the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, and the Rules framed thereunder. The petitioner was subsequently promoted to the post of Assistant. After securing promotion to the higher post, the petitioner submitted an application



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seeking revision of seniority in the post of Junior Assistant by citing the name of one Smt.S.Amutha, who has not been impleaded as a party respondent in the present writ petition.

3. A perusal of the merit ranking list published by the Tamil Nadu Public Service Commission reveals that the said S.Amutha was placed in Seniority No.151 and the petitioner is placed in Seniority No.158 in the initial post. The petitioner has not questioned the said seniority all along and submitted an application only after securing promotion to the post of Assistant. In this context, it is relevant to refer Section 40(6) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, which reads as under:

“(6) Application for the revision of seniority of a person in a service, class, category or grade shall be submitted to the appointing authority within a period of three years from the date of appointment to such service, class, category or grade or within a period of three years from the date of order fixing the seniority, as the case may be. Any application received after the said period of three years shall be summarily rejected. This shall not, however, be applicable to cases of rectifying orders, resulting from mistake of facts.”



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4. Constitutional Courts have, time and again, reiterated that settled seniority could not be unsettled after a prolonged period. Unsettling the seniority would cause prejudice to the interest to the employees, who have been promoted to the higher post. Thus, revision of seniority must be sought for by approaching the competent authorities within a time limit contemplated under the Act, as stated above. Belated application seeking revision of seniority is not entertainable in view of the time limit prescribed. Thus, the very claim set out by the petitioner in this writ petition is untenable. Hence, this Court is not inclined to go into the relative merits involved in the present writ petition.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[A.D.M.C., J.]

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NCC : Yes / No

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