



W.P.(MD).No.2861 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.07.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.2861 of 2019
and
W.M.P.(MD).Nos.2159 and 2160 of 2019

P.Subramanian,
Head Master,
Government Adi Dravidar Welfare High School,
Alagampatti, Dindigul District – 624 606.

... Petitioner

Vs.

- 1.The Commissioner / Director,
Adi-Dravidar Welfare Department,
Chepauk,
Chennai-5.
- 2.The District Adi-Dravidar &
Schedule Tribes Welfare Officer,
O/o.the District Adi-Dravidar &
Schedule Tribes Welfare Office,
Dindigul District,
Dindigul.
- 3.P.Manimegalai,
Head Mistress,
Dr.Ambedkar Government Adi-Dravidar Welfare
Higher Secondary School,
Pulichapallam,
Villupuram District.



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4.Santhi Manohari,
Head Mistress,
Government Adi-Dravidar Welfare
Boys Higher Secondary School,
Arakkonam, Vellore District.

... Respondents

PRAYER: Writ 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 1st respondent vide his impugned proceedings न.क.गण.ग1/17580/2017 dated 03.10.2018 and the consequential impugned order passed by the 1st respondent vide his proceedings न.क.गण.ग1/17580/2017 dated 08.10.2018 and quash the same as illegal and consequentially to direct the respondents to restore the petitioner's seniority in the cadre of Head Master of High School by treating the petitioner's promotion as Head Master of High School on par with his junior viz., Manimegalai and give consequential promotion to the post of Head Master of Higher Secondary School with all other attendant and monetary benefits.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For R-1 & R-2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

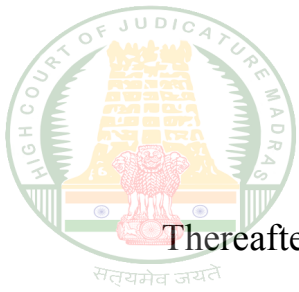
This Writ Petition has been filed by the petitioner challenging the final promotional panel for the post of High School Headmaster dated 03.10.2018



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and the consequential order dated 08.10.2018, rejecting the petitioner's request to include him in the promotional panel and consequently, to restore the seniority of the petitioner in the cadre of Headmaster of the High School on par with his junior, Manimegalai.

2. It is the case of the petitioner that he had originally joined in service as B.T.Warden on 17.03.1990 at Government Adi-Dravidar Boys Hostel, Ayakudi, Palani Taluk, Dindigul District and he was promoted as a Middle School Headmaster on 17.10.2002 in Government Adi-Dravidar Welfare Middle School, Alagampatti, Dindigul District. Subsequently, since the said School was upgraded as High School, he was posted as Headmaster of High School (In charge) at Government Adi-Dravidar Welfare High School, Alagampatti, Dindigul District. Thereafter, the petitioner submitted a letter on 15.05.2010, requesting the respondents to revert him to the post of B.T.Warden from the post of Middle School Headmaster. It was accepted and orders were passed by the second respondent reverting the petitioner as B.T.Warden as per order dated 10.06.2010 with a condition that he shall not claim seniority for a period of three years. This was put to challenge by the petitioner in W.P.(MD).No.8083 of 2010. However, the Writ Petition was dismissed by order dated 27.09.2010.



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Thereafter, on 02.11.2010, the tentative panel of B.T. Assistants for promotion to the post of High School Headmaster as on 01.03.2010 was published and the petitioner's name was placed in Serial No.13. Subsequently, the final panel was published on 28.12.2010 and he was also placed in the panel. On 08.02.2011, the petitioner has submitted a representation seeking consideration of his name for promotion to the post of Headmaster of High School. Subsequently, on 29.12.2011, he was promoted as Headmaster of High School. Thereafter, he sent a representation dated 07.08.2014 seeking restoration of his seniority in the cadre of High School Headmaster by including his name in the panel as on 01.03.2010. Since his name was not restored into original seniority, he filed a Writ Petition in W.P.(MD).No.578 of 2016, wherein, this Court directed the respondents to consider his representation. Accordingly, his name was considered and the impugned order was passed.

3. According to the petitioner, his name was found in the promotional panel for the post of Headmaster of High School as on 01.03.2010. Though his juniors were promoted in the year 2010 itself, he was not promoted till the year 2011. This belated promotion was taken place due to the misinterpretation of the reversion letter submitted by the petitioner. According to the learned counsel for



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the petitioner, this reversion is only with regard to the relinquishment of promotion to the post of Middle School Headmaster and the petitioner has never relinquished the promotional avenue of the High School Headmaster. Since his juniors were promoted in the year 2010 itself, he shall also deemed to be given promotion as given to his juniors, more particularly, one Manimegalai. Subsequently, he is entitled for further promotions based on the above seniority list.

4. This argument of the petitioner was resisted by the learned Additional Government Pleader appearing for the first and second respondents stating that it is true that the petitioner has given relinquishment only for the post of Middle School Headmaster. Subsequently, the promotional panel was published and the petitioner's name was also found in the said panel. However, in the year 2010 itself, some of his juniors were promoted in the counselling held on December 30 and 31. The petitioner has not participated in the counselling for the purpose of promotion. Having failed to participate in the counselling, he has come forward with a representation seeking for promotion belatedly and that was considered by the respondents and he was subsequently promoted. After promotion, fresh panel of the persons, who are appointed as Headmaster of



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High School, was also prepared and published and the petitioner has never objected or approached the authorities for rectification of the seniority, more particularly, seeking any benefits equivalent to his juniors, who were promoted.

5. The learned Additional Government Pleader further submits that after several years, the petitioner has come forward with the representations and by filing Writ Petitions to consider his representation, has created a cause of action. After passing of the impugned order, the petitioner has now come forward seeking restoration of seniority for the panel published as on 01.03.2010, which is not permissible and sought for dismissal of this Writ Petition.

6. I have considered the submissions made on both sides and perused the materials available on record.

7. Admittedly, the petitioner's name was found in the promotional panel as on 01.03.2010 for the post of Headmaster High School. According to the petitioner, he was not aware of the counselling taken place for promotions for the post of Headmaster of High School. He came to know about the counselling for promotion to the above post only in the year 2011. Immediately, he sent a



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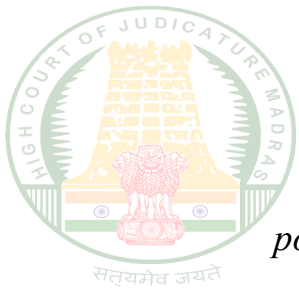
representation and he has also been appointed based on his representation. It is also true that he was promoted in the post of Headmaster of High School in the year 2011 itself and he had not raised any issue or claimed seniority over his juniors, who were already promoted. Only in the year 2015, he started sending representations and thereafter, he also approached this Court for consideration of his representation. Accordingly, the impugned order has been passed based on the directions given by this Court.

8. While challenging any promotional panel or the promotions, it has to be carried out within a reasonable time as stated in the Service Rules. As far as the seniority list is concerned, challenge has to be made within a period of three years, whereas, the petitioner, after five years, had raised a seniority issue for re-consideration by the respondents, which is not permissible.

9. In this context, it is relevant to refer to the judgments of the Hon'ble Apex Court as follows:

(i) ***Karnataka Power Corporation Limited Vs. K.Thangappan and another, (2006) 4 SCC 322:***

“6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary



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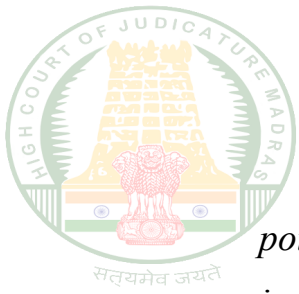
powers under Article 226 of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in Durga Prashad v. Chief Controller of Imports and Exports [(1969) 1 SCC 185 : AIR 1970 SC 769] . Of course, the discretion has to be exercised judicially and reasonably.”

(ii) *Vijay Kumar Kaul and others Vs. Union of India and others, (2012)*

7 SCC 610:

“26. ..it is manifest that a litigant who invokes the jurisdiction of a court for claiming seniority, it is obligatory on his part to come to the court at the earliest or at least within a reasonable span of time. The belated approach is impermissible as in the meantime interest of third parties gets ripened and further interference after enormous delay is likely to usher in a state of anarchy.

27. The acts done during the interregnum are to be kept in mind and should not be lightly brushed aside. It becomes an obligation to take into consideration the balance of justice or injustice in entertaining the petition or declining it on the ground of delay and laches. It is a matter of great significance that at one



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point of time equity that existed in favour of one melts into total insignificance and paves the path of extinction with the passage of time.”

Accordingly, I am of the view that the claim made by the petitioner after five years seeking restoration of seniority is not permissible and the same is rejected.

10. In view of the above, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.07.2025

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

To

1. The Commissioner / Director,
Adi-Dravidar Welfare Department,
Chepauk, Chennai-5.

2. The District Adi-Dravidar &
Schedule Tribes Welfare Officer,
O/o.the District Adi-Dravidar &
Schedule Tribes Welfare Office,
Dindigul District, Dindigul.



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K.RAJASEKAR,J.

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