



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On: 07.10.2025
Pronounced On: 25.11.2025

CORAM
THE HONOURABLE DR.JUSTICE ANITA SUMANTH
AND
THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.16478 of 2021
and
W.M.P(MD)Nos.13354 and 13355 of 2021

1.J.Vinobharathi
2.T.Renuka
3.S.Umapriya

... Petitioners

..Vs..

1.The High Court of Judicature Madras,
represented by the Registrar General,
High Court of Madras,
Chennai-600 104

2.The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai-652 023.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to Rule 14A of the Madras High Court Service Rules, 2015, insofar as it charges the ratio among the categories of Personal Assistant (to the Registrars), Senior Typist, Computer Operator and Assistant from 1:1:1:4 into 1:1:3:15 for promotion to the post of Assistant Section Officer including Translators and Assistant Court Fee



Examiners, is concerned, the other provision in the same Rule to the effect that if sufficient eligible and qualified number of candidates/willing candidates are not available for promotion to the post of Assistant Section Officer from the posts of Personal Assistant (to the Registrars), Senior Typist, and Computer Operator, such number of unfilled vacancies from those categories shall be filled up from category 9 viz., Assistant and the consequential order issued in the official memorandum in Roc.No.482-A/2020-ESTT.1, dated 17.12.2020, of the First respondent, rejecting the request of the petitioners for retrospective promotion and quash the same and consequently direct the respondents to give retrospective promotion to the petitioners to the post of Assistant Section Officer and Section Officer, by adopting the old ratio of 1:1:1:4 among the categories of Personal Assistant (to the Registrars), Senior Typist, Computer Operator and Assistant for promotion to the post of Assistant Section Officer including Translators and Assistant Court Fee Examiners with effect from 01.12.2015 and also by adopting that if sufficient eligible and qualified number of candidates /willing candidates are not available for promotion from the Post of Personal Assistant (to the Registrars) and Computer Operators, such number of unfilled vacancies from those categories shall be filled up from Senior Typist with effect from 01.12.2015.

For Petitioners : Mr.G.Kannan

For Respondents : Mr.D.Sivaraman,
Standing Counsel



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(Order of the Court was made by C.KUMARAPPAN,J.)

The present writ petition has been filed challenging Rule 14(A) of the Madras High Court Service Rules 2015 (Herein after called 2015 Rule).

2. The brief facts, which are relevant for the instant writ petition, is that; the petitioners have been serving in the Madras High Court as Senior Typists. It is their grievance that until the advent of the Service Rule in the year 2015, the petitioner had proportionate promotional quota, and the promotion ratio before 2015 was 1:1:1:4 between the Personal Assistant to the Registrars, Senior Typist, Computer Operator and the Assistant. However, after the advent of the Service Rule 2015, the ratio got revised as 1:1:3:15. In this connection, the petitioners sent a representation to restore the original ratio, but the same was rejected by the respondents vide impugned order.

3. Heard Mr.G.Kannan, learned counsel appearing for the petitioners and Mr D.Sivaraman, learned Standing Counsel appearing for the respondents.



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4. The learned counsel appearing for the petitioners would submit that there was no proper enumeration before fixing the quota, and that the present quota does not reflect the correct representation among the various feeder cadres. It is the further submission of the petitioners that, apart from the above, the Service Rules 2015 also have another infirmity in not following the principles enunciated in the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (hereinafter called 2016 Act), in the promotion to the cadre of Assistant Section Officer. According to the petitioners, if there are no suitable candidates in the cadre of PA to Registers or Computer Operator, then such quota should be allotted to the cadre of Senior Typist, instead of Assistant, as the Senior Typist cadre is a cadre that receives a higher pay than the other feeder cadre. Hence, he would contend that the impugned Rule is violative of the 2016 Act, besides the Constitutional principles. Hence, he prays to interfere with the impugned order.

5. Per contra, the learned Standing Counsel appearing for the respondents would vehemently contend that the service rule got amended after a period of more than 60 years, after due deliberation. He would further submit that while bringing new rules a lot of factors, including



the strength of the feeder cadre, their nature of work, functional utility in the promotional post, and other material particulars have been dealt in extenso, and that only after such exercise, the impugned Rule viz., Madras High Court Service Rules 2015, was brought into effect. The learned counsel would further submit that the ground for challenge to the Service Rules is very much limited, and that fixing ratio is the policy decision of the employer in which the employee can have no say, unless it is violative of Constitutional provisions or the parent Act. The learned counsel would further submit that as stipulated under Section 14(e) of the 2015 Rule, the promotion ratio was amended twice during the pendency of this writ petition. Therefore, the challenge towards the earlier promotion ratio became infructuous. It is the further submission of the respondent that, it is for the employer to decide as to how the promotional post is to be filled up, and from through which cadre. He would further contend that the employee has no authority to challenge such a policy decision of the employer. In support of his contention, the learned counsel for the respondent relies upon the following precedents:

(i) In ***Maharashtra State Board of Secondary and Higher Secondary Education and another Vs. Paritosh Bhupashkumar Sheth & Others***, reported in ***1984(4) SCC 27***.



(ii) In *State of H.P. & Anr. Vs. Padam Dev. & Ors.*, reported in **2002(4) SCC 510**.

(iii) In *A.Satynaarayana & Others Vs. S.Purustham & Others*, reported in **2008(5) SCC 416** and in *Dwarka Prasad and Others Vs. Union of India and Others*, reported in **2003 (6) SCC 535**.

6. We have given our anxious consideration to either side submissions and also perused the materials before this Court.

7. The main grievance put forth by the learned petitioners' counsel is in respect of the ratio fixed for the promotional post of Assistant Section Officer from its feeder cadre. For the post of Assistant Section Officer, the feeder cadres are Personal Assistant (to the Registrars), Senior Typist, Computer Operator and Assistant. It is not in dispute that before the 2015 Rules, the ratio for promotion among the feeder cadre was 1:1:1:4. But after the advent of 2015 Rules, the ratio was modified to 1:1:3:15. According to the petitioner's counsel, there is no rationale in fixing such a ratio.



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8. At this juncture, the learned counsel for the respondents would invite the attention of this Court in respect of Section 14(e) of the Rule, where it stipulates that the ratio will be re-visited time to time in conformity with the strength of the feeder category. He also would invite the attention of this Court that during the pendency of the writ petition, the impugned promotional ratio has met with a revision on 02.12.2023, vide High Court order in ROC 50590/2022/RAC, through which, the ratio for promotion among the Assistant, Computer Operator, Senior Typist and Personal Assistant to the Registrar was modified as 12:6:1:1. In this regard, 20 point roster was also introduced from 29.01.2025 in High Court order in R.O.C.No.124291/2023/RAC.

9. Therefore, as rightly contended by the learned respondent counsel, the issue raised by the petitioners in respect of the ratio for promotional post, viz., Assistant Section Officer, based upon the old distribution, became infructuous..Accordingly, part of the challenge raised in the present writ petition liable to be dismissed.

10. Apart from the above factual ground, let us now delve into the legal aspect. It is well-settled principles of law that the fixation of



quota/ratio for promotion among various feeder categories depends upon the structure, functional requirement, pattern of the work force. The fixing of the promotional ratio is not always a mere arithmetical calculation. Apart from the cadre strength in the feeder cadre, it also involves the consideration of the suitability of the holders in the feeder post, their nature of duties, experience and the channels of promotion to the feeder post.

11. The learned counsel for the respondents invites the attention of this Court to the judgment of the Hon'ble Supreme Court in *Dwarka Prasad's and Others(cited supra)*, wherein the Hon'ble Supreme Court has held that the Rule-making power of an employer comes within the contours of policy making, in which the employees have no right to meddle with. For ready reference, we deem it appropriate to extract para 16, 17 and 24 as hereunder:

“16. Fixation of quotas or different avenues and ladders for promotion in favour of various categories of posts in feeder cadres based upon the structure and pattern of the Department is a prerogative of the employer, mainly pertaining to the policy-making field. The relevant considerations in fixing a particular quota for a particular



post are various such as the cadre strength in the feeder quota, suitability more or less of the holders in the feeder post, their nature of duties, experience and the channels of promotion available to the holders of posts in the feeder cadres. Most important of them all is the requirement of the promoting authority for manning the post on promotion with suitable candidates. Thus, fixation of quota for various categories of posts in the feeder cadres requires consideration of various relevant factors, a few amongst them have been mentioned for illustration. ***Mere cadre strength of a particular post in the feeder cadre cannot be a sole criterion or basis to claim parity in the chances of promotion by various holders of posts in feeder categories.***

17. Normally, where officers are to be drawn for promotion from different posts in the feeder cadre, quota for each post in the feeder cadre is maintained proportionately to the sanctioned strength in that post. This, however, cannot be an inviolable rule of strict application in every case, with an absolute equality of arithmetical exactitude but may vary from case to case depending upon the pattern, structure and hierarchies in the departmental set-up as well as exigencies and balancing needs of administration. There are other relevant considerations, some of which have been mentioned above, which may require departure from the practice of fixation of quota for each post in the feeder cadre, solely proportionate to its strength.

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24. Articles 14 and 16 of the Constitution of India cannot be pressed into service to describe the fixation of lower quota for POs as discriminatory. It is well established in law that the right to be considered for promotion on fair and equal basis without discrimination may be claimed as a legal and a fundamental right under Articles 14 and 16 of the Constitution but chances of promotion as such cannot be claimed as of right (see *Ramchandra Shankar Deodhar v. State of Maharashtra* [(1974) 1 SCC 317 : 1974 SCC (L&S) 137 : AIR 1974 SC 259] , AIR para 12, at p. 267). The decision relied on behalf of the appellants in the case of *All India Federation of Central Excise v. Union of India* [(1997) 1 SCC 520 : 1997 SCC (L&S) 159] is of little assistance to the appellants' case. In that case, this Court had considered the proposals made by the Department for re-fixation of quota to redress the grievance of the petitioners to some extent. In the other case between the same parties reported in *All India Federation of Central Excise v. Union of India* [(1999) 3 SCC 384 : 1999 SCC (L&S) 690] the Court could not be persuaded to issue any direction for alteration of the quota fixed. None of the two decisions therefore is helpful in supporting the contention advanced on



*behalf of the appellants.
(emphasise supplied)*

12. In the case in hand, the petitioners did not put forth any violation of the constitutional principles or deviation from the parent act. Their entire argument centre around the arithmetic calculation, which cannot be gone into while exercising power of judicial review, as the power exercised by the Honourable Chief Justice comes within the contours of policy making.. In the case in hand, the respondents being the High Court, the Hon'ble Chief Justice is the authority to determine the service condition of the Officers and Servants of High Court under Article 229 of the Constitution of India.

13. In this regard, it is also appropriate to refer another judgment of the Hon'ble Supreme Court in *Maharashtra State Board of Secondary and Higher Secondary Education and another's case, M.P.Oil Extraction and another's case, State of H.P. & Anr. Case and A.Satynaarayana and Others' case(cited supra)*, wherein the Hon'ble Supreme Court has reiterated the principle of non interference in the matter of a policy decision. Therefore, even on the legal basis, the petitioners cannot have



14. The next contention put forth by the learned counsel for the petitioners is that, if there are no suitable candidates in the post of Computer Operator, and P. A to the Registrar for promotion, such vacancy should be allotted to Senior Typist, instead of Assistant in view of Section 41 of 2016 Act. Admittedly, Senior Typist are receiving higher scale of pay than the other feeder cadres. According to Section 41 of the 2016 Act, while considering for promotion among various feeder cadres, the cadre one who receives the higher pay scale to be preferred than the others. But this Court outrightly reject such an argument. On close reading of the above 2016 Act, Section 68 stipulates that when there is a special Rule, then such special rule will prevail the 2016 Act. Accordingly, if there is any inconsistency between the 2015 Rule, and 2016 Act, then the Rule will prevail. We are also conscious of the fact that present Service Rule came into effect by scrapping the vintage service rule, which ruled the field for a period of 65 years. According to the respondent, only after greater deliberation new service rules has come into effect.



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15. Therefore, the mere reference in the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 about the mode of consideration among various feeder cadres, will in no way affect the 2015 rule framed by the Hon'ble Chief Justice by exercising the power conferred under Article 229(2) of the Constitution of India. As already stated, fixation of quota in service rules comes within the policy domain of the employer, wherein the petitioners, being employees, can have no say. Further, this Court also should be slow in interfering with the service rules, as it is a policy-making field of the employer. Therefore, we do not find any merit in the present writ petition.

16. In the result, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[A.S.M.J.] & [C.K.J.]
25.11.2025

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Ncc:Yes/No



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**DR.ANITA SUMANTH,J.
AND
C.KUMARAPPAN,J.
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To

- 1.The High Court of Judicature Madras,
represented by the Registrar General,
High Court of Madras,
Chennai-600 104
- 2.The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai-652 023.

Order made in
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