



W.P.(MD) Nos.18647 & 18802 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
08.10.2025	24.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) Nos.18647 & 18802 of 2025

and

W.M.P.(MD) Nos.14304, 14305, 14307, 14446, 14448 & 14450 of 2025

W.P.(MD) No. 18647 of 2025:

P.Mohamed Sulthan
... Petitioner

-VS-

1.The Secretary to Government
Human Resources Management Department
Secretariat, Chennai

2.The Secretary
Tamilnadu Public Service Commission
(TNPSC)
Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of certiorarified mandamus to call for the records pertaining to the



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notification No. 16A/2024 ADDENDUM dated 26.05.2025 issued by the 2nd respondent and the consequential exam result uploaded by the 2nd respondent dated 27.06.2025 and to quash the same and further direct the 2nd respondents to include the name of the petitioner under eligible list for the post of Assistant Section Officer department of Secretariat (other than law and finance department) under Group VA Service category.

For Petitioner : Mr.T.S.Mohammed Mohideen

For Respondents : Mr.F.Deepak
Special Government Pleader for R1
Mr.V.Panneerselvam for R2

W.P.(MD) No.18802 of 2025:

V.Sakthibalaji

... Petitioner

-vs-

1.The Secretary to Government
Human Resources Management Department
Secretariat, Chennai

2.The Secretary
Tamilnadu Public Service Commission
(TNPSC)
Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue



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a writ of certiorarified mandamus to call for the records pertaining to the notification No. 16A/2024 ADDENDUM dated 26.05.2025 issued by the 2nd respondent and the consequential exam result uploaded by the 2nd respondent dated 27.06.2025 and to quash the same and further direct the 2nd respondents to include the name of the petitioner under eligible list for the post of Assistant Section Officer department of Secretariat (other than law and finance department) under Group VA Service category.

For Petitioner : Mr.T.S.Mohammed Mohideen

For Respondents : Mr.F.Deepak
Special Government Pleader for R1

Mr.V.Panneerselvam for R2

COMMON ORDER

These Writ Petitions have been filed to call for records pertaining to the notification No.16A/2024 ADDENDUM, dated 26.05.2025 issued by the 2nd respondent and quash the consequential exam result uploaded by the 2nd respondent dated 27.06.2025 and further direct the 2nd respondents to include the name of the petitioner under eligible list for the post of Assistant Section Officer department of Secretariat (other than law and finance department) under Group VA Service category.



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2. The case of the petitioner in W.P.(MD).No.18802 of 2025, is that he has been working as Junior Assistant in the Tamil Nadu Judicial Ministerial Service at Principal District Court, Theni having qualification in B.E., Electronics and Communication Engineering.

3. The case of the petitioner in W.P.(MD).No.18647 of 2025 is that he has been working as Junior Assistant in Revenue Department at Special Tahsildar (Civil Supplies) office, Palani and he is a qualified B.E., Mechanical Engineering.

4. It is their case that the second respondent herein through its advertisement on 17.10.2024, had invited applications to the post in Combined Civil Service Examination Group VA for Assistant Section Officer in the Department of Secretariat. As per the said notification, Junior Assistant or Assistant working in the Tamil Nadu Ministerial Service/Tamil Nadu Judicial Ministerial Service were eligible to apply. The petitioners have applied pursuant to the said notification and the exams were conducted on 04.01.2025 and results were also published. When the petitioners had logged into the website of the second respondent, they were shocked to see an



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addendum based on Rule 5 of the Service Rule, which had been issued by way of addition on 26.05.2025 indicating that the candidates who were holding the post of Assistant in the Tamil Nadu Ministerial/Judicial Ministerial service as on the crucial date namely 01.08.2024, are only eligible to apply for the post stated supra. Thereby, the petitioners are not eligible to apply for the post of Assistant Section Officers as per Rule 5 of the Service Rules and their applications were rejected.

5. It is the claim of the petitioners that such addendum which had been issued after the examination had been conducted, is wholly improper and rejecting their application based on the said addendum is also illegal. Relying upon the judgment of the Hon'ble Apex Court made in Civil Appeal No.2634 of 2013, dated 07.11.2024, it is their claim that the Rules of the game cannot be changed midway and therefore, the addendum that was made four months after conducting the examination that too without notice to any of the candidates cannot come in the way of their qualification. Hence, the petitioners' seeks indulgence of this Court.

6. On the contrary, the learned Standing counsel appearing for the second respondent would submit that for recruitment by transfer, it is true



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that the notification for Assistant Section Officer apart from the Bachelor degree is drafting experience for a period of not less than 5 years in the post of Junior Assistant or Assistant or in both the posts taken together was required. However, Rule 14 of the Tamil Nadu Secretariat Service Rules would require a Bachelor's degree and drafting experience for a period of not less than five years in the post of Junior Assistant or Assistant all together or in both posts together as additional qualification for the category of Assistant Section Officer in the Department of Secretariat (other than law and Finance Departments) and the Government Secretariat. However, under Rule 5 of the Tamil Nadu Secretariat Service Rule which prescribes the method of appointment to Group-VA i.e., to the post of Assistant Section Officer other than Law and Finance Department by recruitment by transfer can only be made from the category of Assistant in the Tamil Nadu Ministerial Service or the Tamil Nadu Judicial Ministerial Service.

7. Therefore, he would submit that a combined reading of Rule 14 and Rule 5 would envisage that only a person holding the post of Assistant either under the Tamil Nadu Ministerial Service or Judicial Ministerial Service alone could be entitled for appointment to the post and the qualification prescribed



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in Rule 14 would have to be read in such a manner that for counting of the work experience, the experience of drafting in both the Junior Assistant and Assistant can be counted. Only for counting the drafting experience, the combined holding of the posts of Junior Assistant and Assistant can be taken, but however for recruitment by transfer under Rule 5 only an Assistant would be entitled and not a Junior Assistant.

8. Therefore, the qualification that has been given in the notification cannot be said to have qualified the petitioners in contravention of Rule 5. The petitioner having been working in the Ministerial Judicial Service cannot ignore the qualification prescribed for appointment to the post of Assistant Section Officer for recruitment by transfer as envisaged under Rule 5. Hence, he prays this Court to dismiss the Writ Petitions as both the petitioners admittedly hold the posts of Junior Assistant, who have not qualified to participate in the method of recruiting by transfer.

9. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.



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10. Rule 5 of the Tamil Nadu Subordinate Service Rules envisages the method of appointment to the post of Assistant Section Officer in the Departments of Secretariat other than the Law and Finance Departments and the Governor's Secretariat. The source of appointment is by promotion, by direct recruitment and recruitment by transfer.

11. Admittedly, the petitioners are not in Secretariat Service and therefore, they cannot come under the promotional category as they are admittedly, working under the Tamil Nadu Ministerial/ Judicial Service. For the method of recruitment by transfer, it had been categorically indicated that such recruitment by transfer can be made only from the category of Assistant alone. The other qualification given under Rule 14 would indicate that for recruitment by transfer, the drafting experience of a period of not less than five years in the post of Junior Assistant or Assistant or in both posts can be taken together. The said other qualification cannot override the qualification which had been given in Rule 5, where the persons working in the category of Assistant alone are entitled to participate in the recruitment by transfer.

12. As rightly pointed out by the learned Standing counsel appearing on behalf of the second respondent, the qualification prescribed under Rule 14 is



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to only count the drafting experience alone both in the post of Junior Assistant and Assistant. Therefore, an erroneous notification showing the said qualification cannot entitle a Junior Assistant to participate in the recruitment by transfer. It is true that the Rules of the game cannot be changed midway of the selection process, but however when the Junior Assistants are not entitled to participate in the recruitment of transfer by application of Rule 5, the petitioners who are working as Junior Assistants cannot be appointed by way of recruitment by transfer to the post of Assistant Section Officer in the Secretariat service pursuant to the erroneous notification issued.

13. For the aforesaid reasons, this Court do not find any merits in these Writ Petitions and accordingly the same are dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

24.11.2025

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



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To:

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- 2.The Secretary
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(TNPSC)
Chennai



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K.KUMARESH BABU, J.

pbn

PRE-DELIVERY COMMON ORDER
IN
W.P.(MD) Nos.18647 & 18802 of
2025
and
W.M.P.(MD) Nos.14446, 14448 &
14450 of 2025

24.11.2025