

**W.A.(MD)Nos.1801, 1797 of 2024,
659, 732, 887 and 942 of 2025**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON	:	24.04.2025
PRONOUNCED ON	:	13.08.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

**W.A.(MD)Nos.1801, 1797 of 2024, 659, 732, 887 and 942 of 2025
& C.M.P.(MD)Nos.13721, 13662 of 2024, 4669, 5037, 5806 and 6036 of 2025**

W.A.(MD)No.1801 of 2024:

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
St.George Fort, Chennai.
- 2.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai.
- 3.The Joint Director (Personnel),
O/o. Joint Director (Personnel),
DPI Campus, Chennai.
- 4.The Chief Educational Officer,
Madurai District, Madurai.
- 5.The Chief Educational Officer,
Thanjavur District, Thanjavur.



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6.The Chief Educational Officer,
Pudukkottai District, Pudukkottai.

7.The Chief Educational Officer,
Sivagangai District, Sivagangai.

8.The Chief Educational Officer,
Theni District, Theni.

... Appellants

-Vs-

1.S.Madhavi
2.R.Radhakrishnan
3.S.Maheswaran
4.M.Bhuvaneswari
5.V.James Asirvatham
6.A.K.Shanthi
7.K.N.Radha
8.A.Dhanalakshmi
9.S.Sekar
10.K.Perisamy
11.S.Govindarajan
12.S.Mariatherese
13.K.Rajeswari

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 06.02.2024 made in W.P.(MD)No.7317 of 2023 on the file of this Court.

W.A.(MD)No.1797 of 2024:

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
St.George Fort, Chennai.



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2.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai.

3.The Joint Director of School Education (Personnel),
O/o. Joint Director of School Education (Personnel),
DPI Campus, Chennai.

4.The Chief Educational Officer,
Theni, Theni District.

... Appellants

-Vs-

D.Balakumaran

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 05.04.2024 made in W.P.(MD)No.8672 of 2024 on the file of this Court.

W.A.(MD)No.659 of 2025:

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
St.George Fort, Chennai.

2.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai.

3.The Joint Director of School Education (Personnel),
O/o. Joint Director of School Education (Personnel),
DPI Campus, Chennai.



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4.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Madurai District.

5.The District Educational Officer,
O/o. The District Educational Office,
Madurai District.

... Appellants

-Vs-

S.Saravanan

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 26.02.2024 made in W.P.(MD)No.28599 of 2023 on the file of this Court.

W.A.(MD)No.732 of 2025:

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
St.George Fort, Chennai.

2.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai.

3.The Joint Director of School Education (Personnel),
O/o. Joint Director of School Education (Personnel),
DPI Campus, Chennai.

4.The Chief Educational Officer,
Sivagangai, Sivagangai District.

... Appellants



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-Vs-

P.Meenambigai

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 26.02.2024 made in W.P.(MD)No.9115 of 2023 on the file of this Court.

W.A.(MD)No.887 of 2025:

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
St.George Fort, Chennai.
- 2.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai.
- 3.The Joint Director of School Education (Personnel),
O/o. Joint Director of School Education (Personnel),
DPI Campus, Chennai.
- 4.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Madurai District.
- 5.The District Educational Officer,
O/o. The District Educational Office,
Madurai District.

... Appellants

-Vs-

Balakumar.L.R

... Respondent



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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 26.02.2024 made in W.P.(MD)No.28601 of 2023 on the file of this Court.

W.A.(MD)No.942 of 2025:

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
St.George Fort, Chennai.
- 2.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai.
- 3.The Joint Director of School Education (Personnel),
O/o. Joint Director of School Education (Personnel),
DPI Campus, Chennai.
- 4.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Madurai District.
- 5.The District Educational Officer,
O/o. The District Educational Office,
Madurai District.

... Appellants

-Vs-

Pramila.M

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 26.02.2024 made in W.P.(MD)No.28600 of 2023 on the file of this Court.



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In all Writ Appeals:

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For Appellants : Mr.J.Ashok,
Additional Government Pleader
For Respondents : Mr.H.Mohammed Imran,
for M/s.Ajmal Associates

COMMON JUDGMENT

[Judgment of the Court was delivered by ***J.NISHA BANU, J.***]

These Writ Appeals are directed against the orders dated 06.02.2024 made in W.P.(MD)No.7317, 8148 & 11581 of 2023 and W.P.(MD)No.8672 of 2024 dated 05.04.2024 and common order dated 26.02.2024 made in W.P.(MD)Nos.8665, 9115, 9976, 17994, 23496, 24286, 25592, 28599 to 28601 of 2023.

2.Since the issues involved in all these writ appeals are one and the same, they are disposed of by this common judgment.

3. The essential facts of the case are as follows:-

3.1. The case of the respondents herein before the writ court was that some of them were originally appointed as Office Assistant, who were thereafter promoted to the post of Lab Assistant/Record Clerk. On the other hand, some of



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the other respondents were promoted to the post of Lab Assistant/Record Clerk from their earlier posts and all their services were also regularised in the cadre of Lab Assistant. From the post of Lab Assistant, they were posted through recruitment by transfer as Junior Assistant/ Typists on various dates. All of a sudden, the appellants herein in their respective cases, have issued proceedings to the respective respondents to revert them to the post of Lab Assistant as per Rule 3(g) of Tamil Nadu Ministerial Service Rules, wherein the recruitment by transfer from the post of Lab Assistant to the post of Junior Assistant is not permissible as both the posts carry identical scale of pay. Therefore, the other service right and monetary benefits of the petitioners/respondents herein were kept in abeyance.

3.2. The post of Lab Assistant does not have any further avenue of promotion. It carried lesser pay than that of Junior Assistant. Therefore, the respondents were posted as Junior Assistant through recruitment by transfer in terms of Rules 3(g) of Tamilnadu Ministerial Service Rules. Thereafter, GO.Ms.No.63, Finance Department dated 26.02.2011 brought both the posts of Lab Assistant and Junior Assistant in the same level of pay i.e. 5200~20200+2400 GP. The Rule 3(g)(i) of the Tamil Nadu Ministerial Service Rules contemplates that one can be posted as Junior Assistant through recruitment by transfer from

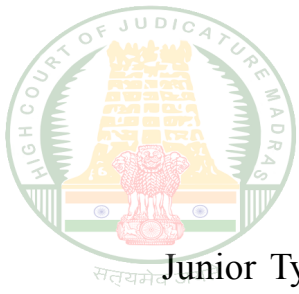


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any other services only if the scale of pay of the post carries lesser pay than that of Junior Assistant.

3.3. Therefore, W.P.(MD)No.7317 of 2023 was filed by the aggrieved respondents herein to declare that they have completed the probation in the cadre of Junior Assistant by way of relaxing the Rules as was granted in respect of similarly placed persons by the Government of Tamil Nadu vide G.O.(1D)No.210 School Education (g/f/4(2) Department dated 17.06.2019 and G.O.(1D) No.124 School Education (g/f/4(2) Department dated 15.09.2020 and consequentially, confer all other consequential service and monetary benefits including the yearly increment and conferment of selection grade along with its accrued arrears thereof.

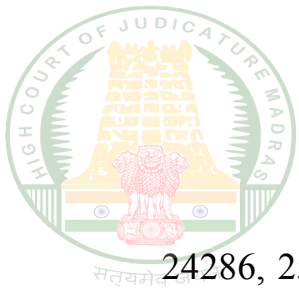
3.4. W.P.(MD) No.8672 of 2024 was filed seeking to quash the proceedings of the Chief Educational Officer, Theni in Na.Ka.No.A1-4687/2020 dated 12.03.2024 reverting the petitioner therein to the post of Lab Assistant. Meanwhile, W.P.(MD) Nos.8665, 9115, 9976, 17994, 23496, 24286, 25592, 28599 to 28601 of 2023 were filed challenging the show-cause notice, dated 15.09.2023 stating that the promotion of the writ petitioners therein as Typist/



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Junior Typist from the post of Lab Assistant and to the post of Assistant from Junior Assistant is contrary to Rule 3(g) of the Tamil Nadu Ministerial Service Rules.

3.5. This Court, vide its order dated 06.02.2024 disposed of W.P.(MD) Nos. 7317, 8148 & 11581 of 2023 by directing the respondents therein to declare that the petitioners have completed their probation in the cadre of Junior Assistant by way of relaxing the rule and consequently confer all other consequential service and monetary benefits including the yearly increment and conferment of selection grade within a period of twelve weeks from the date of receipt of a copy of that order. Besides, this Court vide its order dated 05.04.2024, allowed W.P. (MD) No.8672 of 2024, by setting aside the proceedings of the Chief Educational Officer, Theni in Na.Ka.No.A1-4687/2020 dated 12.03.2024, by holding that once the petitioner got appointed through transfer, there is no question of reverting him once again to his earlier post. Therefore, the service of the petitioner therein after he got appointment as Junior Assistant has to be considered only in the cadre of Junior Assistant and the Chief Educational Officer cannot revert all those persons appointed through transfer by cancelling the earlier orders. Further, this Court vide its common order made in W.P.(MD) Nos.8665, 9115, 9976, 17994, 23496,



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24286, 25592, 28599 to 28601 of 2023, dated 26.02.2024, disposed of the writ petitions by holding that the reasons substantiated by the respondents therein is not sustainable in view of the earlier order passed by this Court in W.P.No.13849 of 2020 dated 05.02.2021 and W.A.(MD) Nos.114 & 9 of 2020, dated 25.03.2021. Hence, aggrieved by the aforesaid orders, the respondents therein have preferred the present writ appeals before this Court.

4. Mr.J.Ashok, learned Additional Government Pleader appearing for the appellants in all the writ appeals canvassed the following submissions:-

4.1. There is no further promotion from the post of Laboratory Assistant to the post of Junior Assistant, as no such promotion is permissible under Rule 3(g) of Tamil Nadu Ministerial Services. Further, after the revision of pay scales on the recommendations of the 6th Pay Commission, the scale of pay is same for the Laboratory Assistant post and the Junior Assistant post from the year 2011, after which only the respondents were appointed as Laboratory Assistant. The promotion for the posts in Record Assistant, Office Assistant and Record Clerk would get affected, if recruitment by transfer given to Laboratory Assistant. If recruitment by transfer given to Laboratory Assistant, then the posts of Driver,



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Technical Assistant etc., who are also in the same cadre of service may approach with same prayers, which leads to administrative hindrance to the Government.

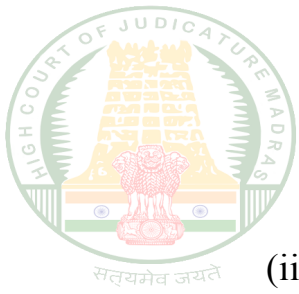
4.2. He further submitted that the order passed by the Writ Court would open the flood gates for similarly placed candidates and it would go against the policy of the Government and it would unsettle the settled issue and it would also cause heavy financial burden to the Government Exchequer. The respondents held the post of Laboratory Assistants after G.O.(Ms)No.63, (Pay Cell) Department, dated 26.02.2011 came into force, which provides identical scale of pay for Lab Assistants and Junior Assistants, as such, it is evident that at the time itself, they were expected to be aware of the Service Rules governing their service. Therefore, these Writ Appeals have to be allowed by setting aside the order passed by the Writ Court.

4.3. In support of his contentions, he has also placed reliance on the following judgments:-

(i)W.P.Nos.3518 and 3524 of 2024, dated 28.02.2024

(A.Velmurugan and another Vs. State of Tamil Nadu, rep.,

Principal Secretary to Government and others); and



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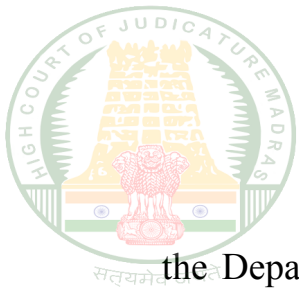
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(ii) W.P.No.28122 of 2021, dated 07.06.2024 (***R.Dilip Kumar and others Vs. State of Tamil Nadu, rep., by its Principal Secretary and others***) wherein it has been held that,

“11. Thus, the posts of Junior Assistant and Lab Assistant are having same scale of pay and the petitioners cannot be promoted as Junior Assistant. Therefore, when there is no avenue for promotion in the Rules, it cannot be claimed as a matter of right. The service under the Government are governed by the relevant Service Rules and the promotion avenues can be given to a Government Servant only when the same is provided under the relevant service rules.

Therefore, the learned Additional Government Pleader prayed for allowing the appeals.

5. Per contra, Mr.H.Mohammed Imran, learned counsel appearing for the respondents submitted that the Government vide G.O.1(D)No.124, School Education Department, dated 15.09.2020, relaxed the rules in exercise of power conferred under Section 58 of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016 and allowed similarly placed persons to continue in the post of Junior Assistant. However, the said benefit has not been extended to the respondents. Therefore, they approached the Department to sanction all other benefits by declaring their probation. Since the same had not been considered by



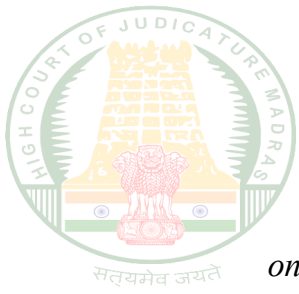
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the Department, they approached this Court. The Writ Court after perusing the records, has rightly allowed the case of the respondents. Therefore, there is no need for interference with the same.

6. In support of his contentions, he has also placed reliance on the following judgments:-

(i) ***State of Tripura and others Vs. K.K.Roy*** reported in (2004) 9 SCC 65; wherein it has been held as follows:-

“...The appellant being a State within the meaning of Article 12 of the Constitution should have created promotional avenues for the respondent having regard to its constitutional obligations adumbrated in Articles 14 and 16 of the Constitution of India. Despite its constitutional obligations, the State cannot take a stand that as the respondent herein accepted the terms and conditions of the offer of appointment knowing fully well that there was no avenue of appointment, he cannot resile therefrom. It is not a case where the principles of estoppel or waiver should be applied having regard to the constitutional functions of the State. It is not disputed that the other States in India Union of India having regard to the recommendations made in this behalf by the Pay Commission introduced the scheme of Assured Career Promotion in terms whereof the incumbent of a post if not promoted within a period of 12 years is granted one higher scale of pay and another upon completion of 24 years if in the meanwhile he had not been promoted despite existence of promotional avenues. When questioned, the learned counsel appearing



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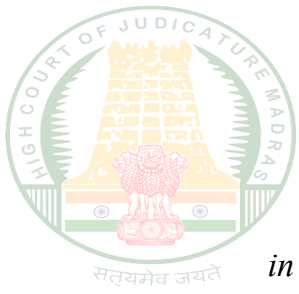
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on behalf of the appellant, even could not point out that the State of Tripura has introduced such a scheme. We wonder as to why such a scheme was not introduced by the Appellant like the other States in India, and what impeded it from doing so. Promotion being a condition of service and having regard to the requirements thereof as has been pointed out by this Court in the decisions referred to herein before, it was expected that the Appellant should have followed the said principle”.

(ii)W.P.No.13849 of 2020, dated 05.02.2021 (***V.Sumathi and others Vs. Secretary for Government and others***) wherein it has been held as follows:-

“16. As far as the case on hand is concerned, the above rule has a rider that in consideration of promotion to the post of Junior Assistant, the post should carry a lower pay than that of Junior Assistant. But what ultimately falls for consideration before this Court is whether an employee carrying the same pay scale as that of the pay scale applicable to the promotional post, can he/she be denied promotion at all in his/her entire career in terms of the spirit of the rule and object behind the amendment of 2002. In order to give thrust to the object and the spirit of the rule providing a promotional opportunity to the dead end post of Lab Assistant, merely because of change of pay scale, cannot be allowed to take away a valuable right to promotion during the long career span of an employee.

17. In the said circumstances, the Government has to fairly consider the claim of the petitioners and issue necessary clarification towards consideration of the claim of these petitioners for promotion to the post of Junior Assistant or to take suitable action for tweaking the rule



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in order to remove the so called impediment as reflected in the rule or as it perceived in respect of the petitioners' category. In the counter affidavit, it has been clearly stated that the Government has not taken any steps in issuing any clarification as on date. This Court in the fitness of things, would therefore have to issue suitable direction to the Government for issuing necessary clarification, towards redressal of the legitimate grievance of the petitioners/Lab Assistants.

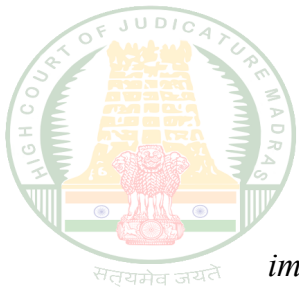
18. In the above circumstances, this writ petition is disposed of with a direction to the first respondent to issue necessary clarification or to initiate any action for inclusion of the post of Lab Assistant for promotion to the post of Junior Assistant, notwithstanding the parity of pay scales as applicable to both the posts in order to sub-serve the spirit of the rule for which it was amended in 2002.

19. This Court trust that the Government would take into consideration, the observation of this Court herein and would initiate action in this regard, atleast on an equitable consideration.

20. The first respondent is directed to issue appropriate clarification or order clearing the air of uncertainty in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

(iii)W.A.(MD)No.1054 of 2024, dated 25.06.2024 (***The Director of School Education and others Vs. S.Ramesh***) wherein it has been held as follows:-

“11.Since the wrong application has not been rectified



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immediately and the appellants allowed the respondent to continue as a Typist for 10 years, all of a sudden, that position cannot be reverted and the respondent cannot be reverted or transferred to the post of Record Clerk.

12. It is also to be noted that, the post of Lab Assistant is not a feeder category for any further promotion and therefore, if any one reaches the position of Lab Assistant, he has to retire or superannuate only as a Lab Assistant. Such kind of position, not to give any promotional avenue to any category of the posts of the Government service, would be detrimental to the entire service condition. This, in fact, has been considered by the Writ Court in W.P.No.13849 of 2020 dated 05.02.2021, where, the learned Judge has held that, the authority should not lose sight of the fact that the amendment of the rule was necessitated to provide promotional avenue to the post of Lab Assistant, as without such amendment, the post would have become dead end post.

13. The said view expressed by the learned Judge in the said judgment, in our respectful view, is to be accepted. Therefore, the order of the learned Judge who followed the said judgment in the present impugned order, as has been stated in paragraph 5 of the order which is impugned herein, is also to be accepted. Therefore, we do not find any reason to interfere with the approach and the conclusion reached by the learned Judge in the order impugned by allowing the said writ petition.

1. Resultantly, the appeal fails. Hence, it is liable to be dismissed. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.”

2.



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(v)W.P.(MD)No.26311 of 2023, dated 02.01.2025 (**S.Sridaran Vs.**

The Director of School Education and others).

“11.In the present case, the petitioner was holding the post of Lab Assistant which does not have any promotional opportunity. Therefore, for complying with the condition under Rule 3(g) of Tamil Nadu Ministerial Service Rules, the petitioner has satisfied the first clause, namely he is not having further promotional opportunity. However, the authorities have considered the second clause and arrived at a finding that the pay scale of Lab Assistant and that of the Junior Assistant are one and the same. It is made clear that for invoking Rule 3(g) of Tamil Nadu Ministerial Service Rules, it is enough, if any one of the ingredients is fulfilled by a candidate. This Court in WP(MD).No.26310 of 2023 had allowed the writ petition on the ground that merely because of pay scales are the same that would not prevent a candidate from being recruited to another service by transfer of service. The said order has been confirmed in WA(MD).No.1054 of 2024 dated 25.06.2024.

12. In view of the above said deliberations, the order impugned in the writ petition is set aside and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.”

Hence, the learned counsel appearing for the respondents prayed for dismissing the writ appeals.



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7. Heard the learned counsel appearing on either side and perused the materials available on record carefully.

8. For a better understanding, it would be relevant to extract Rule 3(g) of the Tamil Nadu Ministerial Service Rules.

3 (g) Besides direct recruitment as provided in rule 2, appointment to the categories of Junior Assistant, Junior Assistant-cum-Typist and Typist shall be made by recruitment by transfer from other services, subject to the following conditions, namely:-

(i) Persons in services, other than the Tamil Nadu Ministerial Service, who are in categories having no promotional opportunities or even after more than one promotion in the respective service would still be in a category carrying scale of pay lower than that of Junior Assistant or Junior Assistant cum-Typist or Typist alone shall be considered for appointment by recruitment by transfer as Junior Assistant or Junior Assistant-cum-Typist or Typist in the Tamil Nadu Ministerial Service, subject to the possession of the prescribed qualifications for direct recruitment.

.....”

9. Admittedly, the respondents who were promoted from the post of Lab Assistant to the post of Junior Assistant/ Typist were recruited with a clear



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pathway for promotion under Rule 3(g) of Tamil Nadu Ministerial Service Rules.

The sudden denial of promotion based on equal pay scale for both the posts of Lab Assistant and Junior Assistant/ Typist, vide G.O.Ms.No.63, Finance Department, dated 26.02.2011 violates their legitimate expectation of career progression. Once a promotional channel is recognized and acted upon, it cannot be arbitrarily reverted by violating the principles of fairness. Moreover, the intent of Rule 3(g) is to provide career advancement to categories with no other promotional avenues.

10. Furthermore, grade pay or scale parity alone is not a decisive factor for determining eligibility under Rule 3(g). The promotional stagnation and functional status of Lab Assistants remain inferior to Junior Assistants. Several Lab Assistants have been promoted and regularized under Rule 3(g) earlier. The Government's reversal of its own earlier policy is arbitrary and discriminatory. Therefore, changing the rules midway, would violate Article 14 of the Constitution of India.

11. Moreover, it is pertinent to note that Lab Assistants have no other promotional ladder apart from Rule 3(g). Denying the respondents with promotion



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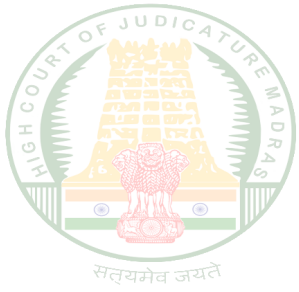
based on a technical ground of pay parity would lead to perpetual stagnation, which is against constitutional and service jurisprudence. The Writ Court has rightly observed that a dead-end service is demotivating and contrary to administrative efficiency. The Hon'ble Supreme Court in Civil Appeal No.2439 of 1982 in the case of **Raghunath Prasad Singh v. Secretary, Home Dept.**, held that *“promotions cannot be denied without due reason. Reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the absence of promotional prospects, the service is bound to degenerate and stagnation kills the desire to serve properly”*.

12. In view of the above discussion and observations, the writ appeal fails. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [S.S.Y., J.]
13.08.2025

NCC : Yes / No
Index : Yes / No

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Yuva

Common Judgment made in
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Dated:
13.08.2025