



WP(MD)No.23987 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 15.10.2025	PRONOUNCED ON 07.11.2025
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CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.23987 of 2025 &
WMP (MD).No.20801 of 2025

Ahamed Faize

... Petitioner

/vs./

1.The State of Tamil Nadu,
Rep., by its Secretary to Govt.,
Revenue Administration and Disaster Management
Department,
Secretariat, St.George Fort,
Chennai.

2.The Commissioner of Revenue Administration,
Revenue Administration and Disaster Management,
Ezhilagam, Chepauk,
Chennai.

3.The District Collector,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to consider the application for one way transfer for the year 2025-2026 in pursuant to the letter of



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the first respondent dated 27.05.2022 on the basis of the merit seniority and accordingly, scrutinize the applications and issue the position under on the basis of merit seniority within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran

For Respondents : Mr.M.Sidharthan AGP

ORDER

This Writ Petition had been filed to direct the second respondent to consider the application for one way transfer for the year 2025-2026 in pursuant to the letter of the first respondent, dated 27.05.2022 on the basis of the merit seniority and accordingly, scrutinize the applications and issue the position on the basis of merit seniority within the time stipulated.

2. The learned counsel appearing for the petitioner would submit that the petitioner was selected and appointed as Village Administrative Officer (VAO) on 18.03.2019, pursuant to the recruitment notification for the year 2017. He would further submit that once in a year counselling have been conducted for the purpose of one way transfer of the incumbents based upon the guidelines issued on 27.05.2022. The second respondent by proceedings, dated 04.06.2025, called



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upon the incumbents to apply for an one way transfer counselling to be conducted online and the petitioner had also applied on 03.07.2025 under the priority category. The transfers are being effected on the basis of the seniority, for the purpose of seniority, the same should only be made on the basis of the merit in which such incumbent should be appointed, but however for the transfer counselling, the seniority based upon the date of joining is sought to be applied. He would further submit that the date of joining of the candidates differs from one candidate to other as certain of candidates would have joined belatedly due to various administrative reasons. Therefore, it would only be proper for the respondent to reckon the seniority based upon the merit and not based upon the date of joining.

3. He would submit that the guideline also envisages merit order rule, it would be followed by placing the applicants as per the priority. Therefore, the ranking of seniority based on the date of joining is wholly improper and therefore, prays this Court indulgence in the manner in which the seniority is sought to be fixed for transfer counselling.



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4. Countering his arguments, the learned Additional Government Pleader would submit that the transfer of an employee is an incident of service, which is governed by exigencies of service. An employee does not have fundamental right or even vested with a right to claim for a transfer or posting of their choice. In the envisaged one way transfer under the guidelines, the employee concerned forgoes their seniority in the original District and start over in the new District at the last place accordingly, which may affect their eligibility for future promotions.

5. He would further submit that all along the station seniority alone had been taken into consideration. The petitioner knowing the process and having participated in the transfer counselling in the midway, is seeking to change the criteria in fixing the seniority, which had been followed all along. He would submit that claiming to reckon seniority for the purpose of one way transfer based upon the rank rather than the date of joining is wholly misconceived and contrary to the well established practice and guidelines issued by the first respondent in that regard. The guidelines also clearly prescribes that station seniority based on the date of joining alone would be considered in the respective Districts. He had also placed reliance on the guidelines issued by the first respondent dated



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27.05.2022 and the additional guidelines issued in that regard. Hence, he prays

this Court to dismiss the Writ Petition.

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

7. The general Rule of seniority is based upon the merit list drawn by the Tamil Nadu Public Service Commission, who is the recruiting agency to the post of the Village Administrative Officer. Such VAOs appointed under the selection process that had been issued in a calender year and allotted to a particular District, their seniority in the District would have to be made as per their merits and not as per their date of joining. After joining, if a VAO sought to get transfer to another District, he loses his seniority in the original District and will be placed last in the seniority, if he had completed his probation in the approved probationers list or if he had not completed his probation, last in the list of VAO under probation. Such VAO cannot claim original seniority in the station where he had been transferred on his request. The said principle is also followed when transfers are made under the guidelines issued for one way transfer counselling. This position cannot be disputed by any of the parties.



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8. The loss of seniority in a particular District on voluntary transfer to another District would not affect the merit ranking that had been prepared by the TNPSC. The loss of seniority in the originating District would dis-entitle the said VAO to seek promotion in the new District based upon his merit in the TNPSC ranking. The guidelines that had been issued by the first respondent on 27.05.2022, which have been reiterated by additional guidelines on 29.05.2023, do not indicate the manner in which the seniority should be reckoned while placing such VAOs. The merit order in the guidelines only relates to three category of priorities namely:-

Priority 1 (Differently abled person with disability level 50%)

Priority 2 (Spouse working in the district to which transfer is requested)

Priority 3 (Low priority – General category)

9. Even though no guidelines had been issued with how to reckon the seniority in the aforesaid guidelines to place the VAOs even in a priority group, if there are more applications than the vacancy in a particular district, it is to be noted that for an A District, there may be applications from various VAOs from other Districts. If date of joining in the respective District is to be taken, a VAO,



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who had earlier been transferred, to a District on his request and placed last in the list of seniority in that District would lose his chance, even to a VAO in his originating District who was junior to him either being lower in merit or being appointed in a subsequent recruitment year. It had been time and again reiterated by the Hon'ble Apex Court and this Court that the seniority should always be reckoned only based upon the merit. Therefore, losing of a seniority in the originating District in view of the voluntary transfer to another District cannot be put against the incumbents, as there has been no guidelines as claimed in the counter. This Court is of the view that while calling for applications of one way transfer, the seniority of various VAOs based upon their merits should be reckoned in placing them in one priority category or otherwise it would only lead to a situation where a junior who had been recruited in a subsequent recruitment year would have a march over a VAO, who had taken voluntary transfer to another District and placed last in the seniority, even though he had benefit of seniority by way of appointment in the earlier recruitment year.

10. For the aforesaid reasons, this Court is of the view that the mandamus as prayer for could be issued and accordingly, the Writ Petition stands allowed. As a consequence, the direction is issued to the second respondent to rank the



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applicants in a particular priority category based upon their merit seniority of the respective recruitment years and thereafter, scrutinize the applications as per the priority merit Rule. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

07.11.2025

Index : Yes / No
Internet : Yes / No
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To

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K.KUMARESH BABU, J.

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