



W.P.No.33297 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.33297 of 2016

- 1.I.Sarasu
- 2.J.Jayalakshmi
- 3.K.Amuthakousalya
- 4.K.Amuthaavani

...Petitioners

Vs.

1.The Government of Tamil Nadu
Rep.by its Secretary to Government
Education Department, Fort St. George
Chennai 600 009.

2.The Joint Commissioner
Corporation of Chennai
Rippon Building,
Chennai 600 003.

3.The Educational Officer
Corporation of Chennai
Rippon Building
Chennai 600 003.

4.The Educational Officer
Corporation of Chennai
Rippon Building
Chennai 600 003.

...Respondents



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents, especially the 3rd respondent relating to his proceedings made in Ka.Thu.Na.Ka.No.E4/15324/2015, dated 30.12.2015 and quash the same as null and void, illegal and invalid and consequently directing the respondents, especially the third respondent to include the name of the petitioners' in the appropriate place in the seniority list of B.T.Assistants with effect from 27.03.2003, the date of absorption of their batch-mates, especially on par with their juniors Tmt.P.N.Muthulatha & V.Varadhammal revising their eligible Scale of Pay equally considering their length of service apart from disbursing to them the full difference in monetary benefits in the cadre of B.T.Assistants with effect from 27.03.2003, besides considering the name of the petitioners' for promotions as P.G.Assistant & High School Head Mistresses on par with their juniors Tmt.P.N.Muthulatha & V.Varadhammal with all service & monetary benefits.

For Petitioners : Mr.A.Amal Raj
For Respondents : Mrs.P.Rajarajeswari for R1
Government Advocate
Mr.S.Gopinathan for R2 to R4
Standing Counsel

ORDER

The petitioners challenge the communication dated 30.12.2015 issued by the third respondent, whereby their request to include their names in the seniority list of B.T. Assistants with effect from 27.03.2003, on par with their alleged juniors, namely P.N. Muthulatha and V. Varadhammal, was rejected.



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2. The petitioners were appointed as Secondary Grade Teachers by order dated 17.08.2000 pursuant to the list furnished by the Employment Exchange. As per the appointment order, they were required to join duty in the school allotted by the Education Officer within one week from the date of receipt of the order. The petitioners joined duty on 21.08.2000. Subsequently, they were promoted as B.T. Assistants on 17.06.2008. On learning that their alleged juniors had been promoted to the post of Post Graduate Teachers, the petitioners submitted a representation seeking inclusion of their names in the appropriate place in the seniority list of B.T. Assistants with effect from 27.03.2003, the date on which the said two individuals were promoted. The said request was rejected by the impugned communication.

3. Mr.A.Amal Raj, learned counsel for the petitioners, submitted that the petitioners joined duty on 21.08.2000, whereas the said two individuals joined on 23.08.2000. Therefore, promoting the said individuals as Graduate Teachers by overlooking the seniority of the petitioners is arbitrary and discriminatory. He further contended that the date of promotion is not the crucial date for determining seniority; rather, the date of joining duty is the relevant criterion. Contrary to this settled principle, the petitioners' claim has been rejected.



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4. Per contra, Mrs.P.Rajarajeswari, learned Government Advocate appearing for the first respondent, and Mr. S. Gopinathan, learned Standing Counsel appearing for respondents 2 to 4, submitted that seniority was assigned based on the list maintained by the Employment Exchange, which, in turn, was prepared on the basis of the date of registration. It was contended that the date of joining duty is not the determining factor for fixing seniority. They further submitted that the seniority assigned to the petitioners and to the said two individuals was strictly in accordance with Rule 35 of the Tamil Nadu State and Subordinate Service Rules.

5. The submissions made on either side and the materials placed on record have been duly considered.

6. The facts, as narrated above, are not in dispute and hence are not reiterated. The appointment orders reveal that the seniority positions of the petitioners are as follows: Sarasu at Sl.No.27, J. Jayalakshmi at Sl.No.21, S.Amutha Kousalya at Sl.No.30, and K. Amudhavani at Sl.No.28.



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7. In the counter affidavit, the respondents have stated that the appointment orders were issued to the petitioners as well as to the said two individuals strictly in accordance with the seniority list furnished by the Employment Exchange. The Employment Exchange maintained the seniority list based on the date of registration. The backlog vacancies were filled through candidates sponsored by the Employment Exchange. Although appointment orders were issued on the same date, the candidates were granted one week's time to join duty. Therefore, the date of joining duty cannot be treated as the crucial date for determining seniority. Instead, seniority was determined based on the list furnished by the Employment Exchange and adopted by the respondent Corporation.

8. Rule 35 of the Tamil Nadu State and Subordinate Service Rules provides that the seniority of a person in a service, class, category, or grade shall, unless reduced to a lower rank by way of punishment, be determined by the Tamil Nadu Public Service Commission or by the appointing authority, as the case may be, subject to the rule of reservation wherever applicable. The date of commencement of probation shall be the date on which the individual joins duty, irrespective of his or her *inter se* seniority. In the present case, the seniority of the petitioners and the said two individuals was determined based



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on the seniority list maintained by the Employment Exchange. Therefore, the seniority assigned to them is strictly in accordance with the relevant Rules.

9. In the absence of any illegality or infirmity in the seniority list maintained by the respondent Corporation, this Writ Petition is devoid of merits. Accordingly, the Writ Petition is disposed of with a direction to the respondent Corporation to consider the claim of the petitioners for promotion to the post of Post Graduate Teachers, subject to the availability of vacancies and strictly in accordance with law. There shall be no order as to costs.

23.02.2026

Index : Yes/No
Speaking order : Yes/No
dna

To

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HEMANT CHANDANGOUDAR.J.,

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