



WEB COPY

WP No. 44530 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 44530 of 2016

W.M.P.Nos.26543 of 2024 & 14375 of 2018

Mrs.M.Nandinikumari

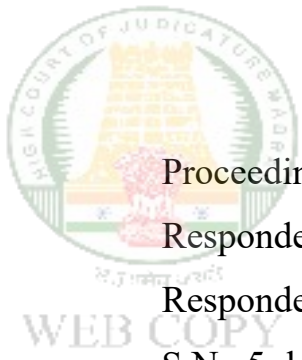
..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep by its Secretary to Govt. Rural
Development & Panchayat Raj Dept.,
Secretariat, Chennai-600 009.
2. The Government of Tamil Nadu
Rep by its Secretary to Govt. Social Welfare
Department, Secretariat, Chennai-600 009.
3. The Director
Rural Development & Panchayat Raj, Panagal
Building, Saidapet, Chennai-600 015.
4. The District Collector
(Panchayat Development Unit), Coimbatore.
5. The District Vigilance
Committee, District Collectorate, Coimbatore.
6. The Secretary
Tamil Nadu Public Service Commission,
Chennai-600 003.

..Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned confirmed permanent Panel for the post of Assistants / Rural Welfare Officers Grade-I / Accountants issued by way of Executive



Proceedings made on 07.06.2016 in Na.Ka.No.0397/2016/K3 by the 4th Respondent and quash the same and consequently direct the 6th and 4th Respondent herein to fix and retain the original seniority of the petitioner at S.No.5 by the 6th Respondent and in the place of her immediate Junior N.Venkatachalam who joined duty w.e.f. 02.08.2000 FN. in the post of Junior Assistant Cum Typist by virtue of selection or immediate subsequent Junior (in the event of resignation / relief/ transfer to join another service by the said junior) got promoted with all monitory, seniority and other attendant benefits including arrears of pay revision from the day they became due and till the date of payment with interest at 12% p.a.

For Petitioner(s): Mr.A.S.Palanisamy,
for Petitioner

For Respondent(s): Mr.P.Kumaresn, Additional Advocate General,
assisted by Mr.S.Yeshwanth,
Additional Government Pleader for Respondent R1
to R5,
Mr.B.Vijay, Standing Counsel for R6.

ORDER

This Writ Petition has been filed seeking a direction to call for the records pertaining to the impugned confirmed permanent Panel for the post of Assistants / Rural Welfare Officers Grade-I / Accountants issued by way of Executive Proceedings dated 07.06.2016 in Na.Ka.No.0397/2016/K3 by the 4th Respondent, to quash the same and consequently, to direct the 6th and 4th Respondents herein to fix and retain the original seniority of the petitioner at S.No.5, as fixed by the 6th Respondent and in place of her immediate Junior



N.Venkatachalam, who joined duty on 02.08.2000 FN. in the post of Junior Assistant-Cum-Typist by virtue of selection or immediate subsequent appointment (in the event of resignation / relief/ transfer to join another service by the said junior) and who got promoted with all monetary, seniority and other attendant benefits including arrears of pay revision from the day they became due till the date of payment, with interest at 12% p.a.

2. The learned counsel for the petitioner submitted that the petitioner was duly selected and appointed to the post of Junior Assistant-cum-Typist under the Group-IV Services for the year 1998-99. She was informed about her selection through office communication dated 13.07.2000 and was allotted to the office of District Collectorate, Coimbatore, with a seniority position at Serial No.5 among 24 selected candidates. However, due to an anonymous false complaint regarding the genuineness of her community certificate, the issuance of her formal appointment order was kept in abeyance by the authorities. The petitioner fully cooperated with the enquiry conducted by the District Vigilance Committee over a span of more than 12 years and successfully proved that her community certificate was genuine. Despite this, her formal appointment order was issued only on 08.09.2012 on provisional basis. The prolonged delay in issuing appointment order was purely administrative and arbitrary. As a result, she lost her rightful seniority and was placed much lower in the subsequent panel (around Serial No.103) instead of retaining her original position at Serial



No.5. He further submitted that the petitioner ought to be deemed to have been appointed from the year 2000 along with her batchmates and granted all consequential benefits, including proper seniority and promotions. Hence, the petitioner has filed this petition seeking for restoration of her original seniority with all attendant benefits.

3. Per contra, the learned Additional Advocate General appearing for the respondents 1 to 5 filed a counter and submitted that the petitioner applied for the post of Group-IV services for the year 1998-99 and was assigned with a Registration No.007729(Application No.144610). The petitioner claimed that she belongs to Scheduled Caste Hindu Adi Dravida and Produced a Community Certificate issued by the Tahsildar, Coimbatore(North), bearing Serial No.1061043 dated 09.07.1998, wherein her parent's name was mentioned as R.Mathivanan. Based on this claim, she was selected for the post of Junior Assistant-cum-Typist under the SC(W) category and allotted to the Panchayat Development Department, Coimbatore. However, even prior to this, the petitioner had applied for the post of Assistant Statistical Investigator in the year 1997-98, wherein she had claimed that she belongs to Backward Class Christian Adi Dravida and had produced a Community Certificate obtained from the Zonal Deputy Tahsildar, Kangeyam, in Serial No.2417526, dated 07.10.1994, reflecting a different community status (Adi Dravida Christian). This inconsistency raised serious doubts regarding the genuineness of her community



claim. In view of anonymous complaints regarding the petitioner's community status, her selection was withheld pending subject to verification. He further submitted that the matter was referred to the District Collector, Coimbatore, for verification vide letter dated 27.07.2000. Due to the non-receipt of the verification report for a prolonged period, the petitioner's appointment could not be finalized. The delay in verification was entirely due to the process undertaken by the competent authority and not attributable to the respondents. The verification report was eventually received from the District Vigilance Committee only on 02.07.2014, confirming the petitioner's community status. Meanwhile, in compliance with the judgment of the Division Bench of this Court in W.A.(MD).No.104 of 2010, dated 12.08.2011, the respondents adopted a procedure to grant provisional appointments to candidates whose community certificates were pending for verification. Accordingly, the petitioner was granted temporary/provisional appointment on 23.02.2012, subject to the outcome of such verification. Upon receipt of the verification report confirming the petitioner's claim, her appointment was regularised in 2014 and the earlier withheld status was lifted. He further submitted that the verification process was necessitated due to the two different community certificates produced by the petitioner at different points of time. Therefore, the delay in appointment was justified and in accordance with law. The respondents acted strictly in compliance with the applicable service rules and the directions of this Court. He also contended that the petitioner is not entitled to claim retrospective seniority



from the year 2000, as her appointment was conditional and subject to verification. Hence, the claim for restoration of seniority and consequential benefits is unsustainable and liable to be rejected.

4. Heard the learned counsel on either side and perused the materials available on record.

5. It is an admitted fact that the petitioner was selected for Group-IV Services for the year 1998-99 and was assigned a seniority position at Serial No.5. However, her appointment was not immediately effected and was kept in abeyance on account of complaints regarding the genuineness of her community certificate. The records further reveal that the petitioner had, at an earlier point of time (1997-98), claimed a different community status, namely Backward Class Christian Adi Dravida and produced a certificate to that effect. Subsequently, for the Group-IV recruitment, she claimed that she belongs to Scheduled Caste Hindu Adi Dravida and produced another certificate. This inconsistency claims regarding community status gave rise to a legitimate doubt, warranting verification by the competent authority. Pursuant thereto, the matter was referred to the District Collector, Coimbatore, on 27.07.2000 and the verification process continued for a considerable period. The verification report was ultimately received only on 02.07.2014, confirming the petitioner's community status. In the interregnum, acting in compliance with the judgment



of the Division Bench in W.A.(MD).No.104 of 2010 dated 12.08.2011, the respondents adopted a procedure of granting provisional appointments to candidates whose community certificates were pending for verification. Accordingly, the petitioner was granted provisional appointment on 23.02.2012, which was later regularized in 2014 upon receipt of the verification report.

6. The core issue for consideration is, whether the petitioner is entitled to retrospective seniority from the year 2000, on par with her batchmates.

7. In this regard, this Court observes that, the delay in appointment, though substantial, was occasioned by the necessity to verify the petitioner's community status, which arose due to her own earlier inconsistent claims, the respondents cannot be faulted for initiating and awaiting the outcome of such verification, which is a mandatory safeguard in public employment, especially in matters involving reservation. The petitioner's appointment was conditional and subject to verification and therefore, cannot be equated with candidates who were unconditionally appointed in 2000.

8. It is the settled principle of service law that seniority ordinarily flows from the date of entry into service, unless the delay is wholly attributable to the employer without any justifiable cause. In the present case, this Court



finds that the delay was not arbitrary or mala fide, but was justified and in accordance with the procedure. Hence, the petitioner cannot claim the benefit of retrospective seniority.

9. In the light of the above findings, this Court passes the following order:

(i) the petitioner is not entitled to claim retrospective seniority from the year 2000.

(ii) the petitioner's seniority shall be reckoned only from the date of her regular appointment, i.e., after completion of verification (2012/2014, as applicable)

(iii) the claim for restoration of original seniority, promotions, arrears of pay and other consequential benefits is rejected.

(iv) the action of the respondents in delaying the appointment pending verification is held to be justified and in accordance with law.

10. With the above findings, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

17-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
VKR



To

1. The Secretary,
Government Rural Development & Panchayat Raj Dept.,
Secretariat, Chennai-600 009.
2. The Secretary,
Government Social Welfare Department,
Secretariat, Chennai-600 009.
3. The Director,
Rural Development & Panchayat Raj,
Panagal Building, Saidapet, Chennai-600 015.
4. The District Collector (Panchayat Development Unit),
Coimbatore.
5. The District Vigilance Committee,
District Collectorate, Coimbatore.
6. The Secretary,
Tamil Nadu Public Service Commission,
Chennai-600 003.



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N.SENTHILKUMAR, J.

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