



WEB COPY



W.P. No.32583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.32583 of 2024

and

W.M.P. Nos.35414, 35416 and 35421 of 2024

and

W.M.P. No.973 of 2025

V.Manikandan

Petitioner

Vs

1. The Director of Public Health and
Preventive Medicine
DMS Campus, Teynampet,
Chennai-600 006.

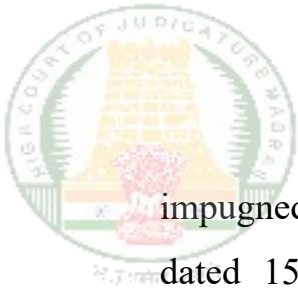
2.The Commissioner of Food Safety
and Drug Administration Department,
DMS Campus, Teynampet,
Chennai-600 006.

3.The Director Of Tamil Nadu State Health
Transport Department
Guindy, Chennai-600 032.

4.P.Sarkunam

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to
issue Writ of Certiorarified Mandamus, calling for the records relating to the



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impugned order issued by the 1st respondent in R.No.8014530/E\$/S6/2024 dated 15.10.2024 and quash the same and consequently to direct the 1st respondent to consider the name of the petitioner for appointment as Steno Typist Grade -II in the existing vacancy as on 27.8.2024 with all service and monetary benefits

For Petitioner : Mr.T. Ranganathan

For Respondents : Mr.K. Tippusulthan
Govt. Advocate for R1 to R3
Mr.M. Kaviveerappan for R4

ORDER

The petitioner has filed the present writ petition challenging the promotion granted to the fourth respondent to the post of Steno Typist Grade-II, vide Order dated 15.10.2024 issued by the 1st respondent and seeking a consequential direction to promote the petitioner to the said post.

2. Facts of the case :-

a) It is stated that the petitioner was selected through the Tamil Nadu Public Service Commission for appointment by direct recruitment to the post of Steno Typist Grade-III and was allotted to the first respondent office. The petitioner joined duty on 06.03.2019, his services were regularised with effect from the said date, and his probation was declared on the afternoon of 04.03.2021.



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b) It is the contention of the petitioner that when a vacancy arose for the post of Steno Typist Grade–II for the panel year 2024–2025, the 1st respondent, by letter dated 13.08.2024, called for willingness from eligible Steno Typist Grade–III employees and informed that the said willingness has to be submitted on or before 27.08.2024. Pursuant to which, he submitted his willingness on 21.08.2024 within the stipulated time. However, the 4th respondent, though senior, submitted her willingness only on 30.08.2024, which was received on 02.09.2024, beyond the date mentioned in the communication. Subsequently, the 1st respondent issued the impugned proceedings dated 15.10.2024, thereby the 4th respondent was promoted to the post of Steno-Typist Grade – II. Aggrieved by the same, the petitioner has filed this writ petition with a prayer to quash the said impugned proceedings dated 15.10.2024 as well sought for consequential directions.

3. Learned counsel for the petitioner submitted in brief about the service particulars of the petitioner and 4th respondent and argued that though the 4th respondent is senior to the petitioner, the 4th respondent had initially opted for another promotional avenue viz., Superintendent and it is the contention that the department had subsequently obtained a letter from her so as to accommodate her in the said post. He further submitted that submission of willingness by the



4th respondent beyond the prescribed date ought to be treated as relinquishment under Rule 47 of the Tamil Nadu State and Subordinate Service Rules, and therefore, the 4th respondent was not entitled to be considered for promotion. In view of the above, the promotion granted to the 4th respondent is arbitrary and liable to be set aside and prayed for allowing of this writ petition.

4. Per contra, learned Government Advocate appearing for the respondents 1 and 3, by reiterating the averments made in the counter affidavit, vehemently opposed the contentions raised by the petitioner. He submitted that the petitioner and the 4th respondent were appointed as Steno Typist Grade–III on the same date, i.e., 06.03.2019, and their probation was declared on 04.03.2021. It is an admitted fact that as per the seniority list published in Proceedings dated 03.04.2024, the 4th respondent is senior to the petitioner, and the petitioner has also not disputed the same. He further submitted that the communication dated 13.08.2024 calling for willingness was only an administrative procedure to expedite processing and did not prescribe any adverse consequence for delayed submission. He vehemently argued that there was no stipulation that willingness received beyond 27.08.2024 would be rejected by the respondents.



5. Learned Government Advocate further contended that Rule 47 of the Tamil Nadu State and Subordinate Service Rules deals with express relinquishment in writing and contemplates a specific procedure and pointed out that there is no legal basis to construe a delayed willingness as relinquishment. The 4th respondent, being senior and fully qualified as on the crucial date, was rightly considered and promoted in accordance with Rule 5-B of the Tamil Nadu Ministerial Service Rules. Thus there is no error or fault committed by the respondents in granting promotion to the 4th respondent and the allegations of mala fides are specifically denied. On the aforesaid score, he prayed for dismissal of this writ petition.

6. Responding to the aforesaid arguments, learned counsel for the petitioner further submitted that now there is a vacancy available for promotion to the post of Steno Typist Grade-II and the petitioner may be considered for the said promotion. Accordingly, this Court may issue directions to the respondents in the above regard.

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



8. It is an admitted fact that both the petitioner and the 4th respondent entered service as Steno Typist Grade–III on 06.03.2019 and completed probation on 04.03.2021. It is equally undisputed that as per the approved seniority list, the 4th respondent is senior to the petitioner. Further, it is noticed that the petitioner himself has admitted the seniority position.

9. The core issue that arises for consideration is whether submission of willingness beyond the date mentioned in the departmental communication would amount to relinquishment of the right of promotion.

10. The communication dated 13.08.2024 merely called for willingness for promotion to the post of Steno Typist Grade II on or before 27.08.2024. A reading of the said communication does not indicate that the date prescribed therein was a rigid cut-off date carrying adverse civil consequences. There is no clause stating that willingness received beyond the said date would be rejected or that such delay would be treated as relinquishment.

11. Rule 47 of the Tamil Nadu State and Subordinate Service Rules contemplates relinquishment of a right to promotion either temporarily or



permanently by a conscious and express act in writing, subject to acceptance by the competent authority. Relinquishment is a substantive act and cannot be inferred lightly. In the absence of any express relinquishment by the 4th respondent, mere delay of a few days in submitting willingness cannot be construed as relinquishment of her promotional right.

12. The 4th respondent, being senior and fully qualified as on the crucial date for the panel year 2024–2025, was entitled to be considered for promotion in accordance with the Rules. Denial of promotion to a senior candidate solely on the ground of marginal delay in submitting willingness, in the absence of any statutory prescription or adverse stipulation, would itself be arbitrary.

13. For the aforesaid reasons, this Court finds no illegality or infirmity in the action of the respondents in promoting the 4th respondent to the post of Steno Typist Grade–II. The contention of the petitioner that the department deliberately accommodated the 4th respondent is unsupported by any material and cannot be accepted by way of arguments.



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14. However, insofar as the submission of the learned counsel for the petitioner that one post of Steno Typist Grade-II is now vacant, it is open to the petitioner to work out his remedy in accordance with law. If any vacancy exists, the respondents shall consider the claim of the petitioner strictly as per seniority and in accordance with the applicable Rules, if he is otherwise eligible. In the light of the above, this Court cannot issue any positive directions to the petitioner.

15. In view of reasons stated supra, the writ petition fails and is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

23.01.2026

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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