



WP(MD). No.10126 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23/03/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.10126 of 2023
and WMP(MD)Nos.8904 and 8911 of 2023

Rathakrishnan.L.B.

... Petitioner

Vs.

1. The Principal Secretary to
Government of Tamil Nadu,
Rural Development and Panchayat Raj,
Fort St. George, Chennai-600 009.

2. The Commissioner of Rural Development And
Panchayat Raj Department,
Panagal Building, Saidapet, Chennai-600 015.

3. The Secretary to
Government of Tamil Nadu,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai-600 009.

4. The Chairman,
University Grant Commission,
Bahadurshah Zafar Marg,
New Delhi-110002.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order Notification in R.C No.51827/2021/EE2.1 dated 06.01.2023 issued by second respondent



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containing consolidated inter seniority list and set aside the same and direct the first and second respondents to prepare a fresh consolidated inter seniority list keeping in view the fourth respondents guidelines.

For Petitioner : Mr.Bhashyam Chari.K.V.
For Respondent : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition has been filed seeking a writ of certiorarified mandamus to call for the records relating to the impugned order Notification in RC.No.51827/2021/EE2.1 dated 06.01.2023 issued by the second respondent containing consolidated inter-seniority list of Overseers/Junior Draughting Officers was finalised by the second respondent.

2. The only contention raised by the learned counsel for the petitioner to challenge the impugned seniority list is that the Overseers/Junior Draughting Officers, who did not possess the valid B.E., degree are erroneously included in the impugned seniority list though they are not eligible for being considered for promotion to the post of Assistant Engineer by way of promotion from the post of Overseers/Junior Draughting Officers. According to the learned counsel



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for the petitioner, B.E degree in Civil Engineering is one of the mandatory qualification for being eligible for promotion to the post of Assistant Engineer in terms of the amendment made to the Rules through G.O.(Ms.)No.19, Rural Development (E1) Department dated 24.02.2014.

3. In other words, the contention of the learned counsel for the petitioner is that the Overseers/Junior Draughting Officers, who do not possess the valid B.E., degree in Civil Engineering are not entitled to be included in the impugned seniority list. According to the learned counsel for the petitioner, the impugned seniority list is in the nature of panel and the promotion to the post of Assistant Engineer would be affected by following the impugned seniority list alone.

4. This Court, after carefully considering the submission made by the learned counsel for the petitioner, is unable to agree with the said contentions. On the other hand, in the considered view of this Court, the said contention is totally misconceived. Absolutely, there is nothing in the impugned proceedings dated 06.01.2023 to suggest that the said seniority list is either a panel or a list of eligible candidates for promotion



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to the post of Assistant Engineer. The impugned proceeding is only a seniority list *simpliciter inter se* between the Overseers/Junior Draughting Officers. There is no dispute with regard to the ranking assigned to them in terms of their date of joining in the post of Overseers/Junior Draughting Officers.

5. The only objection is that the candidates, who did not possess the valid B.E., degree, have been included in the seniority list. Merely because B.E., degree in Civil Engineering is one of the qualifications prescribed for promotion to the post of Assistant Engineer, the same cannot be a ground, not to include the Overseers/Junior Draughting Officers, who did not possess such degree in the inter-seniority list of Overseers/Junior Draughting Officers. In the absence of anything to suggest that the impugned seniority list is either in the nature of panel or the list of eligible candidates for promotion to the post of Assistant Engineer, the contention of learned counsel for the petitioner cannot be accepted. Admittedly, B.E., degree is not a qualification to hold the post of Overseers/Junior Draughting Officers.



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6. Be that as it may, in the counter affidavit filed by the second respondent also, it is categorically stated that the impugned seniority list is only interse-seniority list among the cadres of Overseers/Junior Draughting Officers and the same is stated to have been prepared in terms of Section 40(2) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. There is nothing before this Court to suggest that there is anything wrong in the ranking assigned to various candidates including the petitioner in the impugned seniority list.

7. Further contention of the learned counsel for the petitioner is that all the candidates, who acquired B.E., degree in Civil Engineering from Vinayaka Mission Research Foundation are included in the seniority list. The said degree was found to be not a valid B.E., degree as held by the Hon'ble Apex court in the **Orissa Lift Irrigation Corp. Ltd., vs. Rabi Sankar Patro and others in Civil Appeal Nos. 17869 to 17870 of 2017**. The learned counsel for the petitioner apprehends that in the guise of preparing the interse-seniority list among Overseers/Junior Draughting Officers, all those candidates who acquired B.E degree from Vinayaka Mission Research Institute may be considered ignoring the



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claim of the candidates, who possess valid B.E., degree. The apprehension of the learned counsel for the petitioner may be right, but that cannot be the subject matter of this writ petition as the said issue will not arise for consideration in a matter challenging the interse-seniority list. If at all the respondents intend to effect promotions to the post of Assistant Engineer, no doubt, they shall strictly ensure that the candidates, who possess valid B.E., degree in Civil Engineering, would alone be considered. In case, if there is any such attempt on the part of the respondents to consider the claims of the candidates, who do not possess valid B.E., degree, it is always open for the petitioner to raise objection at the appropriate time.

8. With the above observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

23.03.2026

Index : Yes/No
Internet : Yes/No
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MUMMINENI SUDHEER KUMAR,J

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