



W.P.No.28615 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

RESERVED ON : 24.11.2025

PRONOUNCED ON : 27.11.2025

CORAM

THE HON'BLE Mr. JUSTICE **G.K. ILANTHIRAIYAN**

**W.P.No.28615 of 2025 and
W.M.P Nos.32056 & 32057 of 2025**

1.M.K.Saravanan

2.G.Sudha

3.P.Kohila Devi

4.S.Muthukumaran

5.G.Seetharaman

6.S.SelvaseelanRamachandran

7.L.Nirmala

8.B.Swarnalatha

9.A.Kasthuri

.. Petitioners



W.P.No.28615 of 2025

Vs.

WEB COPY

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai 600 009.

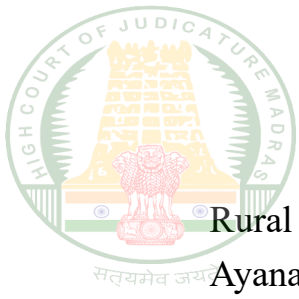
2.The State of Tamil Nadu,
Represented by its Principal Secretary to Government
Human Resources Management Department,
Fort St. George, Chennai 600 009.

3.Tamil Nadu Public Service Commission,
Represented by its Member Secretary,
TNPSC Road, Wall Tax Road,
Park Town, Chennai Tamil Nadu 600003.

4.The Director of Medical and
Rural Health Services
Chennai 600 006.

5.A.Uma
Office Superintendent,
O/o. Commissioner of Indian Medicine
and Homeopathy,
Chennai.

6.S.Margaret,
Office Superintendent,
O/o. The Director of Medical and



W.P.No.28615 of 2025

Rural Health Services (ESI),
Ayanavaram, Chennai 600 054.

.. Respondents

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent in Na.Ka.No.30488/E2/Seniority 2017-1 dated 04.07.2025 and consequential proceedings in Na.Ka. No. 30488/E2/Seniority 2017-II dated 04.07.2025 and quash the same and consequently direct the respondents herein to redraw the seniority list in the post of Assistant and Office Superintendent strictly in accordance with the seniority list published by the Public Service Commission in Lr. No. 2706/PSC/2017 dated 22.02.2017 in the post of Junior Assistant and consequently affect promotions to the post of Junior Administrative Officer based on the redrawn list.

For Petitioners : Mrs.Dakshayani Reddy, Senior Counsel
for Mrs. S.Suneetha

For R1, R2 & R4 : Mrs.M.Sneha,
Special Counsel for Health Department

ORDER

This writ petition has been filed challenging the seniority list dated 04.07.2025 and consequential proceedings dated 04.07.2025, on the file of the fourth respondent, thereby issuing seniority list in the post of Assistant



W.P.No.28615 of 2025

and Office Superintendent.

WEB COPY

2.The petitioners had applied for the post of Junior Assistant-cum-Typist as per the notification issued by the third respondent during the year 1998-99. They were selected and allotted to the Rural Development and Panchayat Raj Department during the year 2000. However, they were not issued allotment order on the ground of lack of vacancies. Therefore, the petitioner have been made to wait for reallocation. Thereafter, they were allotted to Medical and Rural Health Services Department and joined the services in the month of June 2001. About 140 candidates were already allotted to the Rural Development and Panchayat Raj Department and 75 petitioners were re-allotted to the Medical and Rural Health Services Department. Similarly placed persons like the petitioners approached this Court for fixation of their seniority amongst the common batch who were selected in the very same notification. As per the Service Rule, the rank in



W.P.No.28615 of 2025

the examination alone is the criteria for seniority and not the date of joining.

WEB COPY

In the meantime, those who were appointed earlier got promoted to the post

of Assistants. Insofar as the petitioners are concerned, they were promoted

by including them in the panel year 2004 -2005 i.e., after completion of their

probation period. Therefore, the petitioners repeatedly submitted

representations to revise their seniority on par with their batchmates.

Pending representations, the persons who got promoted to the post of

Assistants once again got promoted to the post of Office Superintendents.

However, the petitioners were included in the said panel only in the year

2016-17. Subsequently, as directed by the Hon'ble Supreme Court of India,

the third respondent revised the seniority by proceedings dated 22.02.2017

based on the rank issued and merits. Accordingly, the petitioners were

rightly fitted in the seniority list as per their rank and merits. But the fourth

respondent, by the impugned proceedings dated 04.07.2025, revised the

seniority list and placed the petitioners below the persons who were



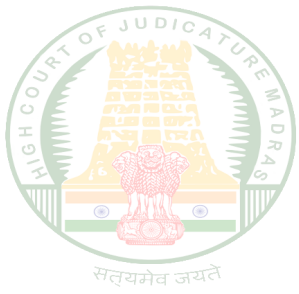
W.P.No.28615 of 2025

appointed earlier to the petitioners.

WEB COPY

3.The learned Senior Counsel for the petitioners vehemently contended that inasmuch as it is settled law under Section 40 (1) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 that even if a senior has been appointed belatedly to the post, for the purpose of seniority, the senior is deemed to have joined on the date when the juniors have joined the said post. Therefore, though the petitioners were promoted in the year 2004-05, their seniors and their juniors were promoted during the year 2003-04 and the seniority shall be fixed as per their rank and merits. The learned Senior Counsel relied upon the judgment of the Hon'ble Supreme Court in ***Sadhana Singh Dangi and others Vs.Pinki Asati and others*** reported in ***(2022) 12 SCC 401*** and the relevant portion of the judgment is extracted as follows:

*26.We now turn to the issue presented by
Mr. Rungta, learned Senior Advocate, for our*



WEB COPY



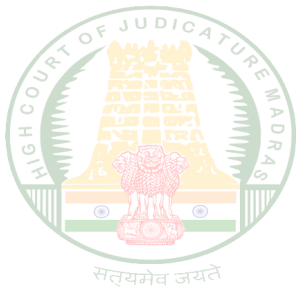
W.P.No.28615 of 2025

consideration. It is quite clear that the candidates represented by Mr. Rungta were placed at a higher position in the select list but unfortunately they were not given appointments along with the candidates who were at a lower level. These candidates cannot be held responsible for the anomaly which has arisen as a result of their late appointments. In order to do complete justice, we, therefore, direct:

26.1.All candidates who were at higher positions in merit but were appointed later shall be deemed to have been appointed on the earliest of the dates when their juniors or candidates at lower levels were appointed.

26.2.Their seniority shall be reckoned from such deemed date of appointment and not from their actual date of appointments.

26.3.The issue of probation for all categories of candidates shall be considered together as one single batch and the issue of probation shall not be segregated amongst the members of the batch.



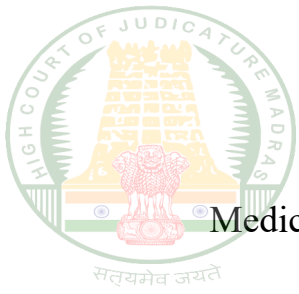
WEB COPY



W.P.No.28615 of 2025

26.4. All such candidates who were at higher levels of the revised list shall be entitled to their salaries and emoluments for the period of about seven months for which they were deprived of service.

4. On perusal of the counter filed by the fourth respondent and also the submissions made by the learned Special Counsel for the respondents, it is seen that the third respondent allotted 148 Junior Assistant-cum-Typist to the Directorate of Medical and Rural Services in the first batch for the estimate of vacancy for the year 1998-99 and allotted to the fourth respondent department during the year 2000. The third respondent fixed the seniority to the said 148 Junior Assistant-cum-Typist and subsequently, panel particulars for the post of Assistant was called for from the eligible Junior Assistant/Typist/Steno Typist Grade III for the panel year 2003-04. The eligibility for the post of Assistant is that service should be regularized, probation should be declared, Departmental Tests, namely, Tamil Nadu



W.P.No.28615 of 2025

Medical Code and Account Test for subordinate officers Part – I should be

cleared. Therefore, they were promoted to the post of Assistant. Insofar as

the petitioners and others are concerned, they did not complete their

probationary period at the time of promotion of 148 Junior Assistants. The

petitioners and others were surrendered by the unit Officers of various

department due to non availability of vacancies and these surrendered

candidates were also re-allotted to the Medical and Rural Health Services

Department for the estimate of vacancies for the year 2000-01 by the third

respondent. Therefore, their probation period was completed in the year

2003 – 04 and they are not qualified for promotion to the post of Assistant

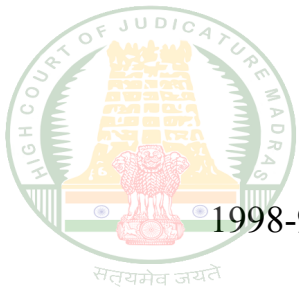
since the crucial date to include them in the panel was 15.03.2003. As per

the guidelines issued by the Government, their placement in the Assistant

Panels (panel year from 2003-2004 to 2012-2013) and Office Superintendent

Panels (2015-2016 to 2016-2017) requires revision to process further

promotion panels. Therefore, the placement of the candidates pertaining to



W.P.No.28615 of 2025

1998-99 batch in the Assistant panels for the panel years 2003-2004 to 2005-

WEB CO 2006 was published.

5.The above contention cannot be countenanced for the simple reason that the petitioners and others who were promoted to the post of Assistant were selected in the very same notification for the post of Junior Assistant-cum-Typist. Due to lack of vacancies, petitioners and others had to wait for the order of the re-allocation. Thereafter, they were allotted to the Medical and Rural Health Services Department in the month of June 2001. Even before the completion of their probation period, others who were already allotted in the Rural Development and Panchayat Raj Department were promoted to the post of Assistant. Therefore, the third respondent fixed the seniority list by placing the petitioners in the right position on the basis of their rank and merits.

6.Therefore, the fourth respondent ought to have followed the proceedings dated 22.02.2017 of the third respondent to draft the seniority



W.P.No.28615 of 2025

list by containing the 2000-01 candidates. Accordingly, the seniority list and

the communal list cannot be sustained and it is quashed. The fourth

respondent is directed to revise the seniority list in the post of Assistant and

Office Superintendent as per the seniority list published by the third

respondent dated 22.02.2017 for the post of Junior Assistant and effect

future promotion on the basis of the revised seniority list.

7. With the above directions, this writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions stand closed.

sli

27.11.2025

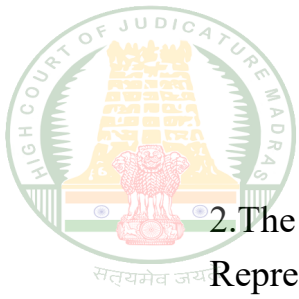
Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai 600 009.



W.P.No.28615 of 2025

2.The State of Tamil Nadu,
Represented by its Principal Secretary to Government
Human Resources Management Department,
Fort St. George, Chennai 600 009.

3.Tamil Nadu Public Service Commission,
Represented by its Member Secretary,
TNPSC Road, Wall Tax Road,
Park Town, Chennai Tamil Nadu 600003.

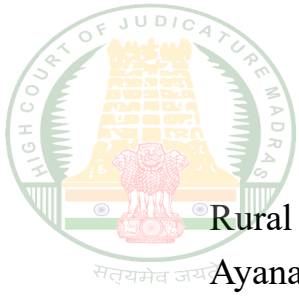
G.K. ILANTHIRAIYAN,J.

sli

4.The Director of Medical and
Rural Health Services
Chennai 600 006.

5.A.Uma
Office Superintendent,
O/o. Commissioner of Indian Medicine
and Homeopathy,
Chennai.

6.S.Margaret,
Office Superintendent,
O/o. The Director of Medical and



Rural Health Services (ESI),
Ayanavaram, Chennai 600 054.

WEB COPY



W.P.No.28615 of 2025

Pre-Delivery Order in
W.P.No.28615 of 2025

27.11.2025