

WP(MD)No.2990 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 14.08.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

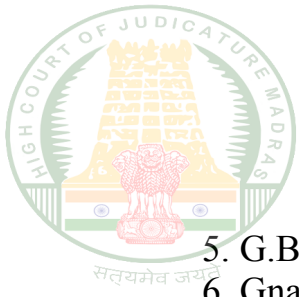
WP(MD)No.2990 of 2026
and WMP(MD)Nos.2481 of 2026

I.Kumaravel

... Petitioner

Vs

1. The Secretary to Government,
Backward Classes and Most Backward
and Minorities Welfare Department,
Secretariat, St. George Fort,
Chennai – 600 009.
2. The Secretary to Government,
Human Resources and Management
Department,
Secretariat,
St. George Fort,
Chennai – 600 009.
3. The Commissioner,
Backward Class Welfare Department,
Chennai – 600 005.
4. The Commissioner,
Most Backward and Denotified Communities
Welfare Department,
Ezhilagam,
Chennai – 600 005.



WP(MD)No.2990 of 2026

5. G.Balasubramanian
6. Gnanaguru
7. K.Tamilarasu
8. N.Shankar
9. Anitha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the promotion panel and consequent promotion order insofar as the 5th to 9th respondents are concerned for the post of District Backward Classes and Minorities Welfare Officer in proceeding in G.O.No.6, Backward Classes and Most Backward and Minorities Welfare (MWRU(1)) Department dated 13.01.2026 and G.O.No.7, Backward Classes and Most Backward and Minorities Welfare [MWRU(1)] Department dated 28.01.2026 respectively on the file of the 1st respondent and to quash the same.

For Petitioner : Mr.G.Chandrasekar
For R1 to R4 : Mr.B.Saravanan,
Additional Advocate General
for Mr.C.Jeganathan,
Special Government Pleader

ORDER

The petitioner is working as a Superintendent in the Backward Classes, Most Backward Classes and Minorities Welfare Department. He was granted notional promotion, pursuant to which, he sought further



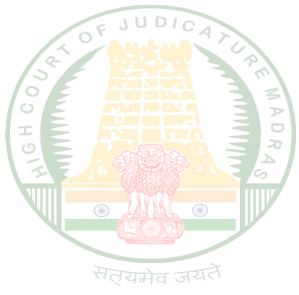
WP(MD)No.2990 of 2026

promotion. However, he has not been considered for promotion and his name has not been included in the promotion panel. Aggrieved by the same, the present writ petition has been filed.

2. A similarly placed person had also filed a writ petition in W.P. (MD)No.2555 of 2026 before this Court, seeking a similar relief, wherein this Court, by order dated 02.02.2026, granted an interim order. Based on the said order, this Court also granted interim relief to the petitioner herein by order dated 05.02.2026. However, the interim order granted in W.P.(MD)No.2555 of 2026 on 02.02.2026 was subsequently vacated in W.M.P.(MD)No.5576 of 2026, by order dated 15.07.2026. The relevant portion of the said order is extracted hereunder:

“7. The relevant rule, which deals with the qualification for the post of Personal Assistant to the Directors reads as under:

“3. Qualification.- No person holding the post of Superintendent in the Backward Classes and Minorities Welfare Department and in the Most Backward Classes and Denotified Communities Department shall be eligible for appointment to the post by recruitment by transfer



WEB COPY



WP(MD)No.2990 of 2026

unless:-

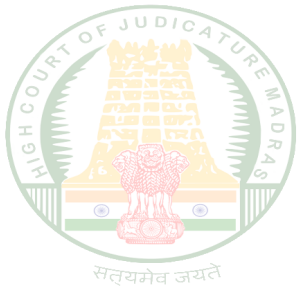
(i) he has passed the Account Test for Subordinate Officers Part I or the Account Test for Executive Officers; and

(ii) he has served for not less than six years as superintendent.”

8. From the above, it is evident that no person holding the post of Superintendent in the Department shall be eligible for appointment to the post by recruitment by transfer, unless he has served for not less than six years as Superintendent. It is not the length of service that is prescribed as a qualification, but, it is the actual service rendered by the Superintendent is the qualification prescribed.

9. In the instant case, admittedly, the first respondent / writ petitioner has not served in the post of Superintendent for a period of six years, but, he is claiming to have satisfied the qualification criteria basing upon the notional promotion granted in his favour. In the absence of the actual service, prima facie, this Court is of the view that the notional promotion granted in favour of the first respondent / writ petitioner cannot be construed as the service of the first respondent / writ petitioner in the post of Superintendent.

10. It is not clear from the materials placed on



WEB COPY

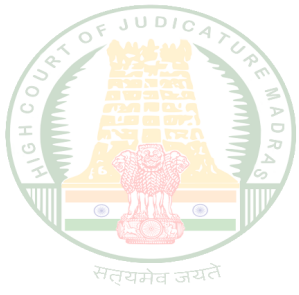


WP(MD)No.2990 of 2026

record as to why and on what ground, the first respondent / writ petitioner was granted notional promotion to the post of Superintendent with retrospective effect. No doubt, in case if the first respondent / writ petitioner was denied promotion at the relevant point of time, in spite of he possessing the requisite qualifications and in case if any of the juniors to the first respondent / writ petitioner were promoted while ignoring the legitimate and legal claim of the first respondent / writ petitioner, he would be granted notional promotion. Once such a notional promotion is granted to the first respondent / writ petitioner, the same cannot be for a limited purpose, but such notional promotion should enure to his benefits for all practical purposes.

11. Therefore, it is also necessary to see exactly for what reasons, the first respondent / writ petitioner was granted notional promotion and as to whether such notional promotion would enure to the benefits of the first respondent / writ petitioner for all practical purposes or not. These are all the matters that are to be examined in detail by this Court, after the first respondent / writ petitioner placed the entire materials on record.

12. Though learned counsel on either side placed reliance on various decisions, at this stage, this Court is not inclined to refer to those decisions as the first



WEB COPY



WP(MD)No.2990 of 2026

respondent / writ petitioner has admittedly not served in the post of Superintendent for six years.

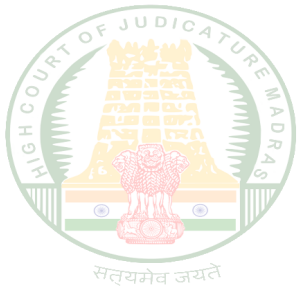
13. Therefore, this Court is not inclined to continue the interim order granted by this Court vide order dated 02.02.2026 in W.P.(MD) No.2555 of 2026 and accordingly, the same is hereby vacated. Consequently, W.M.P. (MD) No.2142 of 2026 is hereby dismissed and W.M.P.(MD) No.5576 of 2026 is allowed.”

3. In view of the interim order granted in W.P.(MD)No.2555 of 2026 having been subsequently vacated in W.M.P.(MD)No.5576 of 2026, by order dated 15.07.2026, the interim order granted in W.P.(MD)No. 2990 of 2026 in W.M.P.(MD)No.2481 of 2026 shall also stand vacated.

4. List this writ petition along with WP(MD)No.2555 of 2026 for final disposal on 09.09.2026.

14.08.2026

ogy

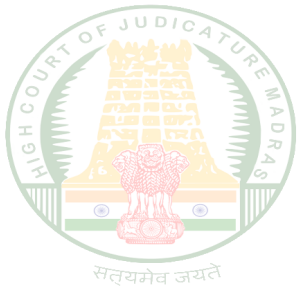


WP(MD)No.2990 of 2026

WEB COPY

To

1. The Secretary to Government,
Backward Classes and Most Backward
and Minorities Welfare Department,
Secretariat, St. George Fort,
Chennai – 600 009.
2. The Secretary to Government,
Human Resources and Management
Department,
Secretariat,
St. George Fort,
Chennai – 600 009.
3. The Commissioner,
Backward Class Welfare Department,
Chennai – 600 005.
4. The Commissioner,
Most Backward and Denotified Communities
Welfare Department,
Ezhilagam,
Chennai – 600 005.



WEB COPY



WP(MD)No.2990 of 2026

B.PUGALENDHI, J.

ogy

WP(MD)No.2990 of 2026
and WMP(MD)Nos.2481 of 2026

14.08.2026