



W.P(MD)No.24429 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2026

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

**W.P(MD)No.24429 of 2026
and
WMP (MD) No.18194 of 2026**

P.Chandra

... Petitioner

VS.

The Principal District Judge,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to promote the petitioner to the post of Bench Clerk Grade I from the date on which the petitioners juniors were promoted with all consequential monetary and attendant benefits.

For Petitioner : Mr. R.V.Rajkumar

For Respondent : Mr.N.Mohideen Basha, Standing Counsel



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ORDER

(Order of the Court was made by N.DILIP KUMAR, J.)

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondent to promote the petitioner to the post of Bench Clerk Grade I from the date on which the petitioners juniors were promoted with all consequential monetary and attendant benefits.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The writ petitioner was appointed as a Reader on the 8th September 1997, in the Tamil Nadu Judicial Ministerial Service. The petitioner was promoted to the post of Sheristadar and was appointed at Sub Court, Sivagangai, on 30th April 2025. The next promotion post eligible for the petitioner is Bench Clerk Grade I. However, on the 8th of July 2025, the writ petitioner was issued with a charge memo for a delinquent act alleged to have happened on 19th



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December 2004 and the charge memo is admittedly issued under Rule 17B. On 29th October 2025, when the panel was drawn for promotion for the year 2025, the writ petitioner was overlooked because of the pending disciplinary proceedings and her junior, Suresh Kumar, was promoted. Later, on 9th February 2026, the charge against the petitioner was converted from 17B to 17A and the petitioner was imposed with punishment of censure. Because of the currency of the punishment of censure in accordance with the Tamil Nadu Government Servants Conditions of Service Act, 2016, more particularly Section 7(f) read with Schedule II Class II, the writ petitioner was once again overlooked because of the currency of punishment of censure and on 10th July 2026, the juniors of the writ petitioner, namely Sugirtharajam, Usharani and Parameswari, were promoted to the post of Bench Clerk Grade I. In these circumstances, the writ petitioner has come before this Court.

4. We heard Mr. R.V. Rajkumar, learned counsel for the petitioner, and Mr.Mr.N.Mohideen Basha, learned Standing Counsel for the respondent.

5. The facts in the above case as recorded above are not in dispute.



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The only point canvassed by the writ petitioner is that the charge memo, though issued on 8th July 2025 under Rule 17B, was later converted to Rule 17A and therefore, such conversion on 9th February 2026 should actually relate back to 8th July 2025 and in view of the statutory proposition that the mere pendency of a charge memo issued under 17A is not a bar for inclusion of the name of the candidature in the approved list. He prays that the conversion of the charge memo, should be related back to the date of issuance of the charge memo under 17B and accordingly, the writ petitioner should be given promotion on par with the junior Suresh Kumar, who was promoted on 29th October 2025.

6. The learned Standing Counsel appearing for the respondent would contend that promotion is given based on merit and ability, seniority being considered only when merit and ability are approximately equal and mere seniority will not give any vested right to the writ petitioner and promotion is not a vested right. The right to be considered for promotion is only an available right and in the case of the writ petitioner, she was admittedly under the cloud of a disciplinary proceeding on 8th July 2025 and further under the available Tamil Nadu Government Servants Conditions of Service Act, 2016, based on the



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pendency of the charge memo, the writ petitioner was overlooked when the panel was considered for promotion. The writ petitioner was not considered for promotion when the panel was drawn on 29th October 2025 and the said disciplinary proceeding ended up in a punishment of censure which was imposed on the petitioner on 9th February 2026 and therefore, for a further period of one year during its currency, under the Service Rules, the writ petitioner is not eligible to be considered for promotion.

7. The legal provision available under the Tamil Nadu Government Servants Conditions of Service Act, 2016 read with Schedule II, it is evident that the writ petitioner was rightly not considered for promotion on 29th October 2025 when the panel was drawn because on that date there was a charge memo issued on 8th July 2025 under Rule 17B against the writ petitioner and again on 10th July 2026, when the writ petitioner juniors were promoted, there was a punishment of censure suffered by the petitioner on 9th February 2026 that was in operation. The claim of the writ petitioner that the earlier charge memo issued on 8th July 2025 under Rule 17B, to have been issued under Rule 17A because of the later conversion is not acceptable. There is no scope of such relation back in service



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WEB COPI jurisprudence.

8. For the foregoing reasons, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[M.D.I.,J.] & [N.D.K.,J.]
02.09.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

To

The Principal District Judge,
Sivagangai District,
Sivagangai.



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M.DHANDAPANI, J.
and
N.DILIP KUMAR, J.

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