

W.A(MD)Nos.1000 and 1285 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON: 10.09.2026

PRONOUNCED ON : 22.09.2026

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE R.SAKTHIVEL



W.A(MD)Nos.1000 and 1285 of 2026
and

C.M.P.(MD)No.8955, 11046 and 12387 of 2026
CNR: {HCMD010691402026}

W.A.(MD)No.1000 of 2026:-

The Tamil Nadu Public Service Commission,
represented by its Secretary,
Frazer Bridge Road, Chennai – 03.

... Appellant

VS

1.Thiruguna

2.The Government of Tamilnadu,
represented by its Additional Chief Secretary,
Highways and Minor Ports Department,
Secretariat, Fort St.George,
Chennai – 09.

2.The Director General,
Highways Department,
Guindy, Chennai – 25.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to call



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for the records relating to the order passed by this Court in W.P(MD)No. 7183 of 2025, dated 12.12.2025 and to set aside the same and consequently, to allow this Writ Appeal.

For Appellant	: Mr.J.Anandkumar
For R1	: Mr.K.P.S.Palanivelrajan Senior Counsel for Mr.M.Ramesh
For R2 and R3	:Mr.S.I.Muthiah Additional Government Pleader

W.A.(MD)No.1000 of 2026:-

2.The Government of Tamilnadu,
represented by its Additional Chief Secretary,
Highways and Minor Ports Department,
Secretariat, Fort St.George,
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2.The Director General,
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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set



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aside the order, dated 12.12.2025 made in W.P(MD)No.7183 of 2025.

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For Appellants :Mr.S.I.Muthiah
Additional Government Pleader

For R1 : Mr.K.P.S.Palanivelrajan
Senior Counsel

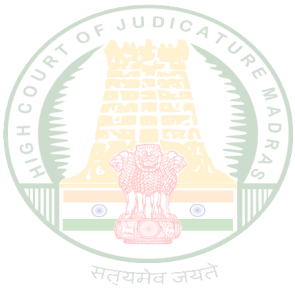
for Mr.M.Ramesh
For R2 : Mr.J.Anandkumar

COMMON JUDGMENT

(Judgment of this Court was delivered by **C.V.KARTHIKEYAN, J.**)

Both the Writ Appeals have been filed against the order of the learned Single Judge, dated 12.12.2025 in W.P.(MD)No.7183 of 2025.

2.The 1st and 2nd respondents in the said Writ Petition, the Government of Tamil Nadu represented its Additional Chief Secretary, Highways and Minor Ports Department and Director General of Highways Department, have filed W.A(MD)No.1285 of 2026 and the third respondent in the Writ Petition, the Tamil Nadu Public Service Commission, represented by its Secretary, has filed W.A.(MD)No.1000 of 2026.



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3.The said Writ Petition had been filed by the first respondent herein,

Thiruguna, son of Krishnasamy, in the nature of a Mandamus seeking a direction to revise the seniority in the light of the order made in Cont.P. (Civil)Diary No.6145 in S.L.P.(Civil)No.2886 of 2016 by considering the representation, dated 31.07.2023 and the reminder representations, dated 14.03.2024 and 04.03.2025.

4.The first respondent/Writ Petitioner had been recruited as Assistant Engineer through Tamil Nadu Public Service Commission, and had joined office in the Highways Department on 26.01.1998. A seniority list as on 01.01.2004 was published in the year 2004. It had been drawn on the basis of communal roster fixed by the Tamil Nadu Public Service Commission.

5.The selection list of Assistant Engineers had been challenged in W.P.No.46868 of 2006, since it was contended that persons with lower marks had been placed above the persons, who had secured higher marks. That Writ Petition was allowed and it was directed that seniority should be fixed only on the basis of merit. This order had been affirmed by the Hon'ble Supreme Court. Later, a Contempt Petition had been filed before

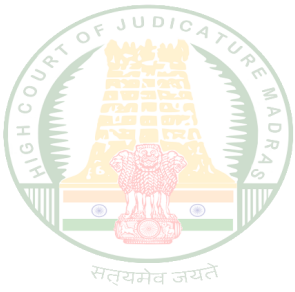


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the Hon'ble Supreme Court and it was held that there need not be any re-visitation of the seniority list, which had been finalised prior to 10.03.2003 and there should be re-visitation only to the seniority list finalised after 10.03.2003. It had been contended by the Writ Petitioner that the seniority list had been published as on 01.01.2004 and therefore, the seniority should be only in accordance with the merit and it was under those circumstances that the Writ Petition had been filed.

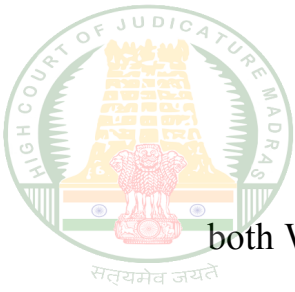
6.The appellants herein, who are the respondents in the Writ Petition, had contended that seniority list published on 29.04.2004 consisted of Assistant Engineers who had been appointed during 1995-96 recruitment year and also Assistant Engineers, who had been appointed much earlier in the year 1973 and also Assistant Engineers, who had been re-designated and appointed through recruitment by transfer and also Assistant Engineers, who had been appointed on compassionate grounds. It had been contended that the Writ Petitioner had joined service on 27.01.1998 and therefore, the selection process had been completed even earlier to 10.03.2003 and therefore, he was not entitled to seek revision of the seniority list.



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7.The learned Single Judge had fallen back to the judgment of the Division Bench of this Court in W.A.No.2705 of 2013 batch, pronounced on 31.03.2025 regarding drawing of seniority pursuant to the notification issued on 10.07.1998 and had held that since the seniority list of the Highways Department had been issued only on 29.04.2004 by which date, the Hon'ble Supreme Court had pronounced the judgment in ***Bimlesh Tanwar -vs.-State of Haryana and others*** reported in (2003) 5 SCC 605, that the seniority should be only in accordance with merit. The learned Single Judge had therefore, allowed the Writ Petition and directed drawing of seniority list of Assistant Engineers selected through Tamil Nadu Public Service Commission in accordance with their merit in respect of the year of selection and fit them in the appropriate place. Aggrieved by the said directions, the respondents in the said Writ Petition have filed the above two Writ Appeals.

8.Heard Mr.J.Anand Kumar, learned Counsel for the appellant in W.A(MD)No.1000 of 2026, Mr.S.I.Muthiah, learned Additional Government Pleader for the appellants in W.A(MD)No.1285 of 2026 and Mr.K.P.S.Palanivel Rajan, learned Senior Counsel for the first respondent in



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both Writ Appeals.

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9.It is the common contention of both the learned Counsels for the appellants that the Writ Petitioner, who had been appointed, had entered into service on 26.01.1998 and therefore, if ever he claims seniority, it could be only in accordance with the roster system, as determined by the Tamil Nadu Public Service Commission and as was followed in all Departments. It is their further contention that even the Hon'ble Supreme Court in the case ***Bimlesh Tanwar*** referred *supra* had stated that there need not be revision of the seniority list determined prior to 10.03.2003. It is further argued that since the Writ Petitioner had joined service much earlier in the year 1998, he cannot seek the seniority list to be drawn in accordance with merit.

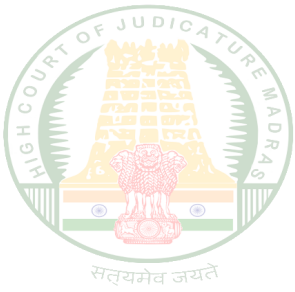
10.It is also contended that it was not a homogeneous group of Assistant Engineers whose seniority will have to be fixed, but a heterogeneous group of Assistant Engineers consisting of those who had been selected in the year 1995-96, and those who had been appointed much much earlier in the year 1973 and those had been appointed through recruitment by transfer and those who had been appointed through



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compassionate grounds. It is therefore, contended that it would be extremely difficult task to fit seniority of all the Assistant Engineers in accordance with merit. It is therefore, contended on behalf of the appellants that the directions issued by the learned Single Judge would not be practically possible to be carried out and therefore, it is urged that the Writ Appeals should be allowed.

11.Mr.K.P.S.Palanivel Rajan, learned Senior Counsel for the first respondent, however, contended that the seniority list of the Assistant Engineers was published for the first time only on 29.04.2004 as on 01.01.2004. The learned Senior Counsel pointed out that by that time, the judgment in **Bimlesh Tanwar** referred *supra* had been pronounced by the Hon'ble Supreme Court making it mandatory that the seniority list should be only in accordance with merit. It is therefore contended by the leaned Senior Counsel that the appellants cannot go beyond the judgment of the Hon'ble Supreme Court and should comply with the said directions. He contended that the learned Single Judge had correctly appreciated the facts and therefore, argued that the order of the learned Single Judge does not warrant any interference.



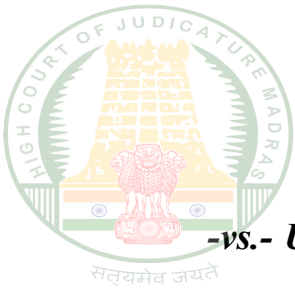
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WEB COPY 12. In this connection, the learned Senior Counsel relied on the following judgments to hold that once the Hon'ble Supreme Court had decided on a point of law, it is not open for the Courts to continuously re-examine the same issue again:

1) **2022 SCC OnLine 2079**, in the case of ***Inspector of General of Registration and another -vs.- G.Madhurambal and another***, wherein, the Hon'ble Supreme Court had held that the authorities should stop filing unnecessary Special Leave Petitions only with an objective of attaining some kind of a final dismissal from the Court every time.

2) **(2025) 11 SCC 73**, in the case of ***R.Ranjith Singh and others -vs.- State of Tamil Nadu and others***, wherein, the Hon'ble Supreme Court had frowned on the acts of the Government giving retrospective effect in the matter of seniority by amending the recruitment rules, which was violative of Articles 14, 16 and 21 of the Constitution. The amendment brought in by the State Government was set aside by the Hon'ble Supreme Court.

3) **(2008) 2 MLJ 973**, in the case of ***M.Senthil Kumar and another***



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-vs.- Union of India and others, wherein, the Division Bench of this Court,

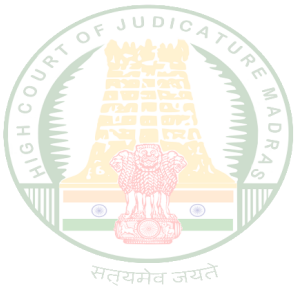
WEB COPY had held follows:

“17..... In this context, we think it appropriate to observe that in view of the provisions contained in Articles 141 and 144 of the Constitution of India, it is our constitutional obligation, nay duty, to see that the judgment and directions of the Supreme Court are observed and obeyed in letter and spirit. We may also observe that it ill-behaves the respondents 1 to 3 to raise such a contention, particularly, when such respondents had the primary obligation to comply with the direction of the Supreme Court.”

4)2015 SCC OnLine Madras 362: (2015) 4 MLJ 881, in the case of wherein, again, the Division Bench of this Court, had held as follows:

“84..... seniority should be determined only with reference to the rank assigned to them by the Service Commission in terms of rule 35(a) of the General Rules for Tamilnadu State and Subordinate Services and not as per the roster.....”

13.The learned Senior Counsel therefore contended that the Writ Appellants are under a duty to determine the seniority only in accordance with merit and in no other manner.



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14.We have carefully considered the arguments advanced and

perused the material records.

15.The first respondent herein, Thiruguna, had filed the Writ Petition in the nature of a Mandamus seeking revision of the seniority of Assistant Engineers in the State Highways Department in accordance with the direction of the Hon'ble Supreme Court in Cont.P.(Civil)Diary No.6145 in S.L.P.(Civil)No.2886 of 2016.

16.The Writ Petitioner had been recruited as Assistant Engineer through Tamil Nadu Public Service Commission and joined office in the State Highways Department on 26.01.1998. The seniority list of Assistant Engineers was published only on 29.04.2004 as on 01.01.2004. This fact is not in dispute. It is not the contention of the appellants that even prior to 10.03.2003, the appellants had drawn a seniority list of Assistant Engineers on the basis of roster. The exercise of determining seniority was done for the first time only on 29.04.2004.

17.In this connection, it would only be appropriate to refer to the



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judgment of the Hon'ble Supreme Court in ***Bimlesh Tanwar -vs.-State of Haryana and others*** reported in (2003) 5 SCC 605. The said judgment is

binding on the appellants herein. It is all the more binding as the Hon'ble Supreme Court had very categorically held that any seniority list prepared after 10.03.2003 should be done only in accordance with merit and in no other manner. The seniority list had been published for the first time only on 29.04.2004. This is much after the date prescribed by the Hon'ble Supreme Court as 10.03.2003. When the seniority list was published on 29.04.2004, it should have been done only in accordance with merit. The directions of the Hon'ble Supreme Court are clear in this aspect. It is also to be noted, as pointed by the learned Senior Counsel for the first respondent/Writ Petitioner that it is not open to the State Government or to the appellants to ignore the judgment of the Hon'ble Supreme Court.

18.It is their duty to uphold the law in letter and spirit. They should revise the seniority list only in accordance with merit and in no other manner. The judgment in ***Bimlesh Tanwar*** referred *supra* holds the field and therefore, there can be no deviation from the directions thereof. The contention of the appellants that the first respondent/Writ Petitioner joined



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in the year 1998 pales into insignificance, since the seniority list of the State Highways Department with respect to Assistant Engineers was prepared only on 29.04.2004 much after 10.03.2003 and therefore, the appellants have no other option but to determine the seniority only in accordance with merit and in no other manner.

19.The appellants have placed reliance on the judgment of the Division Bench of this Court in ***W.A.(MD)Nos.2146 and 2147 of 2026 batch***, in the case of ***V.Kanimozhi -vs.- the Additional Chief Secretary to Government, Water Resource Department, and others***, dated 29.08.2025, wherein, the Division bench considered the case of the appellants therein, who had been selected in the recruitment process held in the year 1997-98. However, their seniority list had been finalised before 10.03.2003. In the instant case, the seniority list had been determined only on 29.04.2004 for the first time and therefore, the judgment of the Division Bench would not be applicable to the facts of this case.

20.The claim of the appellants that there were other sources through

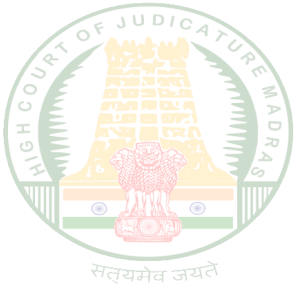


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whom Assistant Engineers have been recruited had been correctly addressed

by the learned Single Judge by stating that the Assistant Engineers, who came to be re-designated, Assistant Engineers who came to be appointed through recruitment by transfer, Assistant Engineers who have appointed on compassionate grounds, should be fitted as per their date of appointment in the respective recruitment years in consonance with the provision of Section 40(2) of the Tamil Nadu Government Servants (Condition of Service) Act, 1960. Therefore, this claim of the appellants has to be rejected. The Mandamus issued by the learned Single Judge to draw the seniority list of Assistant Engineers selected through the Tamil Nadu Public Service Commission only in accordance with the merit in respect of their year of selection is affirmed by us.

21.We find no infirmity in the Mandamus issued by the learned Single Judge. The Writ Appeals stand dismissed. A direction is issued to the appellants to comply with the directions issued by the learned Single Judge, which is affirmed by us, within a period of four weeks from the date of receipt of a copy of this judgment.



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22.In view of this pronouncement, C.M.P.(MD)No.12387 of 2026 is

allowed and the interim stay granted in C.M.P.(MD)No.11046 of 2026 in

W.A.(MD)No.1285 of 2026 stands vacated. No costs. Consequently,
connected miscellaneous petitions are closed.

[C.V.K., J.] & [R.S.V., J.]
22.09.2026

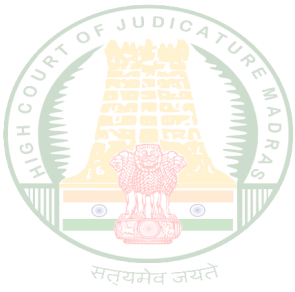
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Index :Yes/No
NCC :Yes/No

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To

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C.V.KARTHIKEYAN, J.

AND

R.SAKTHIVEL. J.

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Judgment made in
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