



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-09-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 33539 of 2022

CNR:{HCMA012001192022}

and

WMP Nos. 32995 and 32997 of 2022

V.Jayakumar

..Petitioner(s)

Vs

1. Tamil Nadu Pollution control Board
Rep. by its Chairperson
No. 76 Mount Salai,
Guindy, Chennai 600 032.

2. C. Vanaja
3. S. Sivaranjini
4. V. Tamiloli
5. C. Tholkappiyan
6. P.S. Sampathkumar
7. A. Nithyalakshmi
8. K. Sumithrbai
9. P. Suganthi Rani

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the concerned records from the 1st Respondent, quash the proceedings of the 1st Respondent bearing No. TNPCB / Per. / P1 / 14698 / 2022 dated 28.10.2022 in so far as not including the name of the petitioner by placing him above the 2nd Respondent and below S. Ravichandran and the order of the 1st Respondent dated 01.12.2022 bearing Memo No. TNPCB / Per. / P1 / 14698 / 2022 as illegal, arbitrary and contrary to law and consequently direct the 1st respondent to place the name of the petitioner in the panel fit for promotion to the post of



Environmental Engineer for the year 2022-2023 below S. Ravichandran and above the 2nd respondent and promote the petitioner to the post of Environmental Engineer in the available Vacancy on that basis.

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For Petitioner(s): Mr.Balan Haridas

For Respondent(s): M/s.Madhuri Danti Reddy,
Standing Counsel (for R1)
Mr.P.Ulaganathan (for R2 to R9)

ORDER

The present Writ Petition has been filed seeking to quash the impugned order dated 28.09.2022 and to re-fix the seniority of the petitioner below one S.Ravichandran and above the second respondent, as well as the consequential impugned order dated 01.12.2022 passed by the first respondent.

2. The learned counsel appearing for the petitioner would submit that the petitioner participated in the recruitment process for the post of Assistant Engineer, which took place in the year 2010. Since there was a litigation, the petitioner was appointed with delay on 20.02.2012. Though the Service Rules were amended with effect from 03.11.2010, prescribing a Master's Degree in Environmental Engineering or Chemical Engineering as the qualification for the post of Assistant Engineer, since the petitioner had participated in the recruitment process prior to the amendment of the Service Rules, he was appointed to the post of Assistant Engineer without insisting upon the post-



graduation qualification, and was regularized on 15.02.2014. As per the regularization order dated 15.02.2014, the petitioner's seniority was below one S.Rayichandran and above the second respondent (C.Vanaja)

2.1. It is the specific submission of the learned counsel for the petitioner that, subsequently, when promotion to the post of Assistant Environmental Engineer was considered, since the petitioner did not possess a Master's Degree, his promotion was paused over. Since the private respondents possessed the requisite Master's Degree, they were considered for promotion and posted as Assistant Environmental Engineers. Subsequently, upon completion of the Post-Graduate Degree by the petitioner on 03.03.2020, he was considered for promotion and promoted to the post of Assistant Environmental Engineer. It is the further submission of the learned counsel for the petitioner that the next promotional post is Environmental Engineer, for which the required qualification is as follows:-

“Experience as Assistant Environmental Engineer for a period not less than 5 years or total experience of not less than 10 years in Assistant Environmental Engineer and Assistant Engineer both put together”

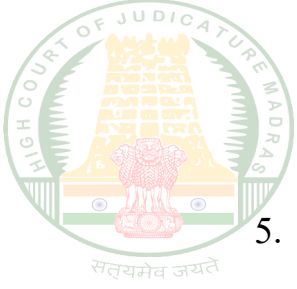
2.2. It is the further submission of the learned counsel for the petitioner that he has completed a total experience of not less than 10 years in the posts of Assistant Environmental Engineer and Assistant Engineer, both put together.



Therefore, his name is liable to be considered for promotion by restoring his seniority below S.Ravichandran and above the second respondent. Hence, he prayed to interfere with the impugned orders.

3. Per contra, the said contention was stoutly opposed by the learned Standing Counsel appearing for the first respondent and would contend that, since the petitioner did not possess the requisite post-graduate degree, the other private respondents were considered for promotion and were included in the promotion panel for the year 2017-18 and promoted accordingly. Whereas, since the petitioner did not qualify for the panel years 2017-18, 2018-19 and 2019-20. But he informed on 03.03.2020 that he had acquired the Post-Graduate Degree. Immediately thereafter, for the panel year 2020-21, the petitioner was considered for promotion to the post of Assistant Environmental Engineer. Since, the private respondents had already been promoted during 2017-2018 panel prior to the petitioner, now he cannot claim seniority over those who had been promoted and appointed to the post of Assistant Environmental Engineer prior to him. Hence, he prayed to dismiss the present Writ Petition.

4. The said contention was reiterated by the learned counsel appearing for the second to ninth respondents, and he also prayed to dismiss the present Writ Petition.



5. I have given my anxious consideration to the submissions made on either side.

6. The main contention putforth by the learned counsel for the petitioner is that, since the petitioner did not possess a Master's Degree, his promotion to the post of Assistant Environmental Engineer was and paused over. Therefore, the moment he acquired the Post-Graduate Degree, his original seniority ought to be restored. In support of his contention, the learned counsel for the petitioner relies upon Regulation 20 of the Tamil Nadu Pollution Control Board Revised Service Regulations, 2010. For ready reference, the same is extracted hereunder:-

*“20. **Seniority** – (1) The Seniority of a person in a category of service shall, unless he has been reduced to a lower rank as a punishment, be determined by the rank obtained by him in the list approved candidates for appointment to that class, category or service. The inter-se seniority of persons appointed by the same method of recruitment shall not be affected by the date of their joining duty. The date of commencement of probation shall be the date on which he joins duty.”*

7. According to the aforesaid Regulation, seniority shall be determined by the rank obtained by a person in the list of approved candidates for appointment to that class, category or service. It is his case that his seniority while he was



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appointed in the cadre of Assistant Engineer is above the private respondents.

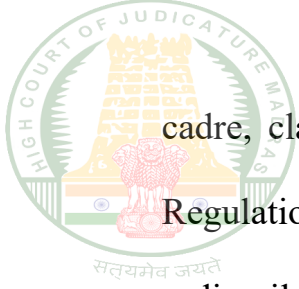
Therefore, merely because of a delay in acquiring the Master's Degree, would in no way affect his seniority and, at the most, it may only cause delay to his promotion. It is his further submission that, the moment he acquired the Master's Degree, he became eligible not only for promotion, but also for restoration of seniority as per initial appointment.

8. In order to substantiate the above contention, the petitioner also relies upon Regulation 10(3) of the Tamil Nadu Pollution Control Board Revised Service Regulations, 2010. For ready reference, the same is extracted hereunder:-

“10 Notification of vacancies, tests, approved list -

(3) Subject to the rule of reservation and / or other regulation if any, of priorities, the candidates selected by the appointing authority shall be listed in order of their merit and the list shall be approved by the Chairman where the Member Secretary is the appointing authority and by the Board, in all other cases. Appointments shall be made from the approved list strictly in the order of seniority therein”.

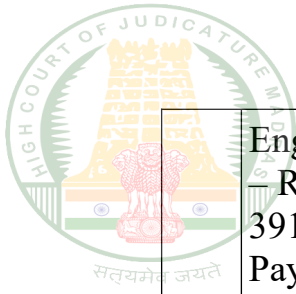
9. However, this Court is not in a position to agree with the aforesaid submission. From a reading of Regulation 20, as well as Regulation 10(3), the determining factor for fixing seniority is the rank obtained in the appointment to



cadre, class or category. At this juncture, it is relevant to mention here that Regulation 26(2) clearly mandates that no appointment or promotion shall ordinarily be made under clause (1), unless the person so appointed or promoted possesses the qualifications prescribed for the post.

10. in the present case, on a perusal of the Tamil Nadu Pollution Control Board General Service Part II Rules, Rule 3 deals with the mode of appointment and qualifications and states that appointment to the categories specified in Column (2) of the table below shall be made by the method specified in Column (3) thereof. It further states that no person shall be appointed unless he/she possesses the qualifications specified in Columns (4), (5) and (6) thereof for the posts of Environmental Engineer, Assistant Environmental Engineer and Assistant Engineer. For ready reference, the said qualifications and mode of appointment are extracted hereunder:-

Sl. No.	Category/Scale of Pay	Method of appointment	Qualification
4	Environmental Engineer PB 3 – Rs.15600-39100 + Grade Pay Rs.6,600/-	By promotion from Assistant Environmental Engineer	Experience as Assistant Environmental Engineer for a period not less than 5 years or total experience of not less than 10 years in Assistant Environmental Engineer and Assistant Engineer both together
5	Assistant Environmental	By promotion from Assistant Engineer	(i) A Master's Degree in Environmental Engineering



	Engineering PB 3 — Rs.15600- 39100 + Grade Pay Rs.5,400/-		(or) Chemical Engineering (ii) Experience as Assistant Engineer for a period of not less than five years.
6	Assistant Engineering PB 2 – Rs.9300-34800 + Grade Pay Rs.4,700/-	1) By recruitment by transfer from any other service (or) 2) By direct recruitment	Must be an approved probationer in that post and should possess a Master's Degree in Environmental Engineering or Chemical Engineering with basic qualification in Civil Chemical Engineering Basic qualification should be a Bachelor's Degree in Civil Engineering or Chemical Engineering and a Master's Degree in Environmental Engineering or Chemical Engineering.

11. The word “promotion” referred to in Column (2) has to be construed as an appointment for all purposes, as Rule 3 refers to the expression “appointment”. If Rule 3 is read harmoniously with Regulation 20, the petitioner's seniority is subject to rank obtained at the time of appointment in promotional post, as the seniority would be counted in accordance with the list drawn by the Department on the date of such appointment.

12. In the case in hand, as per the list drawn by the Department, on the date of appointment of the petitioner in the promotional post, the private respondents were above the petitioner. The petitioner admittedly acquired the



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requisite qualification only for the panel year 2020-21. Therefore, since the private respondents were appointed to the promotional post prior to the petitioner, their seniority, in terms of Regulation 20, shall be in accordance with the list approved for appointment to that class, category or service. In the said list, as already stated the petitioner was below the private respondents. Hence, this Court does not find any infirmity in the impugned orders.

13. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

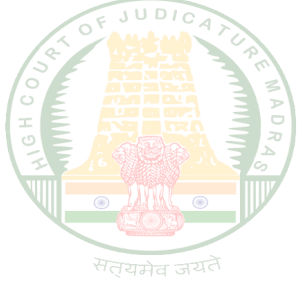
18-09-2026

Index: Yes
Speaking order
Neutral Citation: Yes

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To

Tamil Nadu Pollution control Board
Rep. by its Chairperson
No. 76 Mount Salai,
Guindy, Chennai 600 032.



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C.KUMARAPPAN J.

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