2026:MHC:4001

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03 / 09 / 2026

DELIVERED ON : 29 / 09 / 2026

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

WA(MD) NO. 1385 of 2026
{CNR: HCMD010990762026}
Case QR

and

WA(MD) NO. 1386 of 2026
{CNR: HCMD010990822026}
Case QR

and
C.M.P. (MD) No.11949 in W.A. (MD) No.1385 of 2026
&
C.M.P. (MD) No.11951 of 2026 in W.A. (MD) No.1386 of 2026

1. The Secretary,
Revenue and Disaster Management Department,
Secretariat, Chennai.

2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai.

3. The District Collector,
Dindigul District.

4. The District Revenue Officer,
Dindigul District.

... Appellants / Respondents in both Writ Appeals

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Versus

S.Menaka,
Ramji Nagar, 2nd Street,
Chinnamanickenpatti, Dindigul District. ... Respondent /
Writ Petitioner
in both Writ Appeals

PRAYER in W. A. (MD) No.1385 of 2026: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the Order dated January 23, 2026 made in W.P. (MD) No.14279 of 2025 on the file of this Court.

PRAYER in C.M.P. (MD) No.11949 of 2026: Civil Miscellaneous Petition filed praying to stay the operation of the Order dated January 23, 2026 passed in W.P. (MD) No.14279 of 2025, pending disposal of the Writ Appeal and pass such further or other orders as this Court may deem fit in favour of the petitioners.

PRAYER in W. A. (MD) No.1386 of 2026: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the Order dated January 23, 2026 made in W.P. (MD) No.24070 of 2025 on the file of this Court.

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PRAYER in C.M.P. (MD) No.11951 of 2026: Civil Miscellaneous Petition filed praying to stay the operation of the Order dated January 23, 2026, passed in W.P. (MD) No.24070 of 2025, pending disposal of the Writ Appeal and pass such further or other orders as this Court may deem fit in favour of the petitioners.

In both Writ Appeals:

For Appellants : Mr. B.Saravanan,
Additional Advocate General,
assisted by
Mr.K.K.Udhayakumar,
Government Advocate (civil)

For Respondent : Mr.V.Panner Selvam

* * * *

C O M M O N J U D G M E N T

R.SAKTHIVEL, J.

These Writ Appeals are filed at the instance of the respondents in W.P. (MD) Nos.14279 and 24070 of 2025, challenging the Common Order dated January 23, 2026 passed therein by a learned Single Judge of this Court.

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2. For the sake of convenience, hereinafter, the respondent herein who had filed the aforesaid Writ Petitions will be addressed as writ petitioner, while the appellants herein who are the respondents in the Writ Petitions will be continued to be addressed as appellants.

UNDISPUSTED FACTS ARE THUS:

3. The writ petitioner is a directly recruited Revenue Assistant. She was selected through the Group-II Examination conducted by the Tamil Nadu Public Service Commission [TNPSC]. She joined her first posting on August 14, 2008. She passed all the necessary departmental tests and also completed the foundational training at Civil Service Training Institute at Bhavani Sagar along with the necessary tests. Her service was regularized and probation was declared.

3.1. Then, she was posted as Firka Revenue Inspector at Palani, Neikkarapatti Firka, Palani Taluk. While holding the said post, she applied for maternity leave from November 05, 2013 to May 04, 2014 for a period of six months. When she joined duty on May 05, 2014 after the maternity leave period, she was posted as Special Revenue Inspector (Land Acquisition).

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3.2. Thereafter, she was transferred to Collector Office, Dindigul District as Assistant on October 30, 2014. Then she was promoted as Deputy Tahsildar as per seniority *vide* Order dated September 29, 2015. She completed Police Training in 2015 and Special Judicial Magistrate Training in 2017. Thus, the writ petitioner became fully qualified for promotion to the post of Tahsildar. While so, her promotion was rejected on the alleged ground that she worked as a Firka Revenue Inspector only for a period of 1 year 8 months and 17 days and thus, she failed to meet the mandatory requirement of two years of service as Firka Revenue Inspector with a shortfall of 3 months and 13 days.

3.3. While so, the third appellant herein, sent a proposal seeking relaxation of the aforesaid mandatory requirement in the case of writ petitioner on March 05, 2024, which was however rejected by second appellant on July 31, 2025. Hence, the writ petitioner filed W.P. (MD) No.24070 of 2025 challenging the Order of rejection *vide* 'G.O. (1D). No. 490, Revenue and Disaster Management Department, dated July 31, 2025'.

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3.4. Further, upon promotion to the post of Deputy Tahsildar, the writ petitioner was originally placed next to one M.Natrayan and above one Rukmani in seniority, and only based on that seniority, she was sent for Police Training and Special Judicial Magistrate Training. While so, the writ petitioner's juniors were given promotion to the post of Tahsildar overlooking the writ petitioner. The panel list prepared by third appellant for the said promotion was not published. The writ petitioner later learnt that, while preparing the panel list for promotion, she was pushed down the seniority, placed below her juniors and excluded from promotion, on the alleged ground that the third appellant was awaiting Orders from second appellant on the aforesaid relaxation request. Challenging the promotion of her juniors overlooking her original seniority, she filed the Writ Petition in W.P. (MD) No.14279 of 2025, praying to quash the Order of such promotion of her juniors in 'Roc.No.2563392/2024/A1 dated April 22, 2025'.

3.5. So, the Impugned Orders are 'G.O. (1D). No.490, Revenue and Disaster Management Department, dated July 31, 2025' and 'Roc.No. 2563392/2024/A1 dated April 22, 2025'.

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4. After hearing both sides, the learned Single Judge allowed the Writ Petitions holding that it is the appellants who did not post the writ petitioner as Firka Revenue Inspector to let her complete the mandatory service period of two years while the writ petitioner did not commit any default. The learned Single Judge further held that the period of service rendered by the writ petitioner as Revenue Inspector (Land Acquisition) also be counted while reckoning the service period as Firka Revenue Inspector. Accordingly, both the Writ Petitions were ordered as prayed for and thereby appellants were directed to include the name of the writ petitioner in the panel list of 2024 as per seniority and grant her promotion to the post of Tahsildar from the date on which her immediate juniors were given promotion, with all the consequential monetary benefits within a period of twelve weeks.

5. Feeling aggrieved by the same, the appellants who are the respondents therein have filed these two Writ Appeals.

ARGUMENTS:

6. Mr.B.Saravanan, learned Additional Advocate General appearing for the appellants would submit that the writ petitioner did not complete two years of service in the post of Firka Revenue Inspector

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which is a prerequisite for her promotion as Deputy Tahsildar. However, she was promoted as Deputy Tahsildar oversightedly, which fact came to light only while the third appellant - District Collector verifying the writ petitioner's service register for considering her regularisation and probation as Deputy Tahsildar. The third appellant on exercise of his administrative discretion, sent a proposal to the second appellant seeking relaxation of the mandatory service period of 2 years as Firka Revenue Inspector, by adjusting the writ petitioner's service as Special Revenue Inspector (Land Acquisition) for shortfall in service as Firka Revenue Inspector, which was however rejected. Upon rejection of the same, the third appellant proceeded to promote other eligible individuals to the post of Tahsildar excluding the writ petitioner. In these circumstances, the rejection order passed by the second appellant and the promotion order of the writ petitioner's juniors passed by the third appellant cannot be found fault with. The learned Single Judge without considering the fact that the writ petitioner failed to meet the prerequisite of 2 years service period as Firka Revenue Inspector, allowed the writ petitions and set aside the Impugned Orders, which cannot be justified. Accordingly, he would pray to allow these Writ Appeals and set aside the Order passed by the learned Single Judge.

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7. *Per contra*, Mr.V.Panner Selvam, learned Counsel appearing for the respondent / writ petitioner would submit that the writ petitioner, while serving in the cadre of Revenue Assistant, passed all the required tests and completed all the necessary training and became fully qualified for promotion to the post of Deputy Tahsildar. Accordingly, she was promoted on September 29, 2015 and she joined duty as Deputy Tahsildar on September 30, 2015. Thereafter, based on her seniority, she was sent for Police Training as well as Special Judicial Magistrate Training. She successfully completed the said trainings and became fully eligible for promotion to the post of Tahsildar. However, at this point, the appellants citing that she allegedly did not complete the mandatory two years service period as Firka Revenue Inspector, brought her down the original seniority placing her below her immediate juniors and promoted her juniors overlooking her.

7.1. He would submit that, the writ petitioner first served as Firka Revenue Inspector, Athoor Firka from January 04, 2012 to March 04, 2012. Then she was transferred to the post of Firka Revenue Inspector, Neikkarapatti Firka, Palani Taluk, where she served from March 12, 2012 to November 04, 2013 completing 1 year 8 months and 17 days of service as Firka Revenue Inspector. Whereafter, she went on maternity

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leave from November 05, 2013 to May 04, 2014. When she joined back after maternity leave, she was transferred from the post of Firka Revenue Inspector and posted as Special Revenue Inspector (Land Acquisition). It is to be noted that the said transfer was not a voluntary transfer on the request of the writ petitioner; it was purely an administrative decision of the third appellant.

7.2. He would contend that, the period of maternity leave undertook by the writ petitioner is to be counted into her service as Firka Revenue Inspector. He would further contend that, even otherwise, it is the appellants who did not let the writ petitioner continue functioning as Firka Revenue Inspector and thereby prevented her from completing the mandatory service period. Considering the said fact, they ought to have at least relaxed the mandatory service period requirement of 2 years as Firka Revenue Inspector for the writ petitioner, which they failed to do. The writ petitioner has been denied her promotion for no fault of hers and the same cannot be permitted. The learned Single Judge after considering the entire facts and circumstances, rightly allowed the Writ Petitions and quashed the Impugned Orders. There is no irregularity or illegality in the Order passed by the learned Single Judge. Accordingly, he would pray to dismiss the Writ Appeals.

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DISCUSSION:

8. This Court has considered both sides' submissions and perused the materials available on record.

9. The parties would regard Paragraph Nos.8 and 9 of Annexure IX in the Tamil Nadu Ministerial Service Rules, referred to in Rule 38 (b) (ii) thereof, read with Annexure III of the Tamil Nadu Revenue Subordinate Service Rules, referred to in Rule 7 (a) thereof, as the relevant rules in this case. This Court deems fit to extract the same hereunder:

Rule 38 (b) (ii) of Tamil Nadu Ministerial Service Rules :-

> ***"38. Special Provisions. —***
>
> *xxx xxx xxx*
>
> *(b) ...*
>
> *(ii) Appointment, training and condition of service of directly recruited Assistants:-*
>
> *Notwithstanding anything contained in the foregoing rules, the rules in the following Annexures shall govern the direct recruitment of Assistants in the Departments specified against each Annexures:-*

No.	*Annexure*	*Department*
1.	*Annexure- IX*	*Revenue Department*
2.	*Annexure- IX- A*	*Prison Department*
3.	*Annexure- IX- B*	*Highways Department*
xxx	*xxx*	*xxx*

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Relevant portion of Annexure IX referred to in Rule 38 (b) (ii):-

"8. Every person appointed as Assistant by direct recruitment shall be imparted the training as prescribed below:

Period	*Items of Training*
(1)	*(2)*
i. First Three months	*1. With Firka Revenue Inspector : One Week*
	2. Revenue Divisional Officer's Office : One Week
	3. Collector's Office : Two Weeks
	4. Foundation Training at the Civil Service Training Institute, Bhavanisagar : Two Months
ii. Next one year	*In Taluk office as Assistant dealing with Revenue Subjects*
iii. Next four weeks	*In Training in Revenue Survey and maintenance of land records. Provided they have passed the Revenue Tests, Parts I and III.*
iv. Next two years	*Firka Revenue Inspector*
v. Next one year and eight months	*As an Assistant in Collector's Office or in any other office of the District Revenue Units of Revenue Department.*

9. The Inter-se seniority of the directly recruited Assistants in the districts shall be fixed in the following cyclical order irrespective of the date of their joining duty.

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(a) First Vacancy: Persons appointed by direct recruitment.

(b) Second and Third Vacancies: Persons appointed by promotion.

(c) Fourth Vacancy: Persons appointed by direct recruitment.

(d) Fifth and Sixth Vacancies: Persons appointed by Promotion.

Provided that the inter-se seniority of the persons appointed by direct recruitment and the persons appointed by promotion shall be prepared on 15th May of every year as per the cyclical order specified above."

Rule 7 of Tamil Nadu Revenue Subordinate Service Rules :-

"7. QUALIFICATIONS:

(a) No person shall be eligible to have his name included in the list of approved candidates for appointment as Deputy Tahsildar unless he possesses the qualifications specified in Annexure - III, on the 15th September of the year to which the list relates.

xxx xxx xxx

(b) No Deputy Tahsildar shall be eligible to have his name included in the list of approved candidates for appointment as Tahsildars if he has not completed police training for two months; and exercised the magisterial powers for a period of four months to the

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satisfaction of the District Magistrate concerned, on the first day of July of the year to which the list relates.

xxx xxx xxx"

Relevant portion of Annexure III referred to in Rule 7 (a) :-

"ANNEXURE – III
(Referred to in Rule 7(a))

Category	Qualificationst
(1)	(2)
Deputy Tahsildar	*(A) Before the inclusion of his name in the list of approved candidates, the candidate -* *(i) must have passed the following tests : -* *1. The Revenue Tests Parts I, II and III;* *2. The Criminal Judicial Test; and* *3. The Account Test for Subordinate Officers, parts I and II:* *Provided that out of the persons transferred from the former Travancore-Cochin State those who have actually acted as Deputy Thasildars for a period of three years continuously prior to 1st November, 1956, need not pass the Criminal Judicial Test and others including those who were promoted after 1st November, 1956, must pass the examination before 29th May, 1960; and* *(ii) must have served either as Typist or as Steno-Typist or as Junior Assistant and above for a period of not less than eight years of which two years shall be on duty as an Assistant and another two years as Revenue Inspector as prescribed in clause (iii) below:* *Provided that the services rendered as Assistant Grade Firka Revenue Inspector, Special Revenue Inspector and as Assistant Grade Revenue Inspector for Land Acquisition, for Agricultural Income Tax and for Land Ceiling shall be counted towards service as Assistant for the*

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purpose of inclusion in the list of Deputy Tahsildar to the extent the candidate would have continued to act as Assistant in the regular line but for his appointment as Assistant Grade Firka Revenue Inspector, Special Revenue Inspector and Assistant Grade Revenue Inspector for Land Acquisition, for Agricultural Income-Tax and for Land Ceiling, as the case may be.

Provided further that with effect on and from the 25th day of May, 1978 service rendered as Assistant Grade Firka Revenue Inspector, Special Revenue Inspector and as Assistant Grade Revenue Inspector for Land Acquisition, for Agricultural Income-Tax and for Land Ceiling in excess of two years, shall count as service in the post of Assistant referred to in this clause, for a maximum period of one year on duty to the extent he would have acted as Assistant in the regular line but for his appointment as Assistant Grade Firka Revenue Inspector or as Special Revenue Inspector of as Assistant Grade Revenue Inspector for Land Acquisition, for Agricultural Income-Tax and for Land Ceiling:
Provided also that an Assistant appointed by direct recruitment in the offices of the erstwhile Board of Revenue, who has completed a total service of five years, passed all the tests prescribed and undergone training as Firka Revenue Inspector for a period of two years successfully shall be eligible for inclusion of his name in the approved list of Deputy Tahsildars for Chennai City, above his seniors appointed other than by direct recruitment or for re-fixation of his seniority over such seniority, if his name has already been included in the list of Deputy Tahsildars. The consideration of his claim shall be against the first vacancy that follows the carried over vacancies.
Provided also that an Assistant appointed by direct recruitment in the District Revenue Unit, who has completed a total period of five years, passed all the tests prescribed and undergone

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	training as Firka Revenue Inspector for a period of two years successfully, shall be eligible for inclusion of his name in the approved list of Deputy Tahsildars in the district above his seniors appointed other than by direct recruitment or for re-fixation of his seniority over such seniors, if his name has already been included in the list of Deputy Tahsildars. The consideration of his claim shall be against the first vacancy that follows the carried over vacancies. *(iii) Must have rendered satisfactory service for a period of not less than two years on duty as Revenue Inspector in charge of a Firka and must have passed the examination in the maintenance of revenue records and registration:* *Provided that a candidate who has, with reference to the instructions contained in G.O.Ms.No.2206, Revenue dated 7th November, 1944, rendered satisfactory service for not less than one year on duty as Revenue Inspector in charge of a Firka prior to 10th April, 1948 need not serve as Revenue Inspector again to complete two years referred to in clause (iii) above:* *Provided further that a candidate who has, after undergoing Survey training discharged the duties of Firka Supply Officer or a Special Revenue Inspector or both shall be entitled to count his service in such post for a period of not exceeding six months, towards duty as Revenue Inspector in charge of a Firka:* xxx xxx xxx

[*Emphasis supplied by this Court*]

10. It is an admitted fact that the writ petitioner was originally appointed as a Revenue Assistant by way of direct recruitment. The non-

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obstante clause contained in Rule 38 (b) (ii) of Tamil Nadu Ministerial Service Rules makes it clear that, in so far as the directly recruited Revenue Assistants are concerned, the service rules contained in Annexure IX thereof shall be applicable. Perusal of Paragraph No.8 of Annexure IX of Tamil Nadu Ministerial Service Rules, shows that it sets out the training that shall be imparted to a directly recruited Assistant. Paragraph No.9 thereof stipulates the manner for fixation of *inter-se* seniority between directly recruited and promotee Assistants. Coming to Tamil Nadu Revenue Subordinate Service Rules, afore-extracted Rule 7 (a) thereof stipulates the qualifications for promotion to the posts of Deputy Tahsildar and Tahsildars. It stipulates that for a person to be eligible for promotion to the post of Deputy Tahsildar, they must satisfy the conditions prescribed in Annexure III referred to therein. It also stipulates that, a Deputy Tahsildar must have mandatorily completed Police Training and Special Judicial Magistrate Training for promotional eligibility to the post of Tahsildar. Perusal of the relevant Annexure III would show that, for promotion to the post of Deputy Tahsildar, broadly three set of conditions need to be satisfied. First condition is that the candidate must have qualified in the relevant departmental tests. While the second condition appears to primarily concern itself with promotee

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candidates, the last *proviso* thereto appears to be relevant to the directly recruited Assistant in District Revenue Unit. The proviso speaks about *inter-se* seniority between the directly recruits and promotees which is not of much relevance in our case as the dispute here does not involve any promotees nor relate much to them. That being about the second set of conditions, the third set of conditions is that the candidate must have served as Firka Revenue Inspector for a period not less than 2 years and must have also passed the examination in maintenance of revenue records and registration.

11. It can be seen that the above rules [except for Rule 7 (b) of Tamil Nadu Revenue Subordinate Service Rules] are in respect of eligibility of a candidate for the cadre of Deputy Tahsildar. It is an admitted fact that the writ petitioner has been promoted as Deputy Tahsildar on September 29, 2015 and has been functioning in that cadre till date, though her regularisation and probation for the said post was later kept on hold for non-satisfaction of the mandatory condition of 2 years of service as Firka Revenue Inspector.

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12. Admittedly, the writ petitioner served as a Firka Revenue Inspector in two stints. Her first stint spanned from January 04, 2012 to March 04, 2012 and her second stint spanned from March 12, 2012 to November 04, 2013 completing 1 year 8 months and 17 days as a Firka Revenue Inspector, and thereafter, she went on maternity leave from November 05, 2013 to May 04, 2014. Upon rejoining after maternity leave on May 5, 2024, she was moved from her post of Firka Revenue Inspector to Special Revenue Inspector (Land Acquisition) by the district administration without any request or grievance from her end in this regard. There are no dispute with the above facts.

13. Firstly, the writ petitioner was promoted as Deputy Tahsildar in 2015 and has been in service as Deputy Tahsildar till now, despite the fact that she has actually served in the post of Firka Revenue Inspector only for 1 year 8 months and 17 days and there is a shortfall of 3 months and 13 days to meet the mandatory requirement of 2 years service stipulated under Annexure III referred to in Rule 7 (a) of Tamil Nadu Revenue Subordinate Service Rules. This, as rightly held by the learned Single Judge, leads to the presumption that the said rule of mandatory service requirement as Firka Revenue Inspector for two years was relaxed in the case of the writ petitioner.

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14. Secondly, the writ petitioner cannot be punished by withholding the promotion due to her, when there is no fault on her part. When the writ petitioner joined back after maternity leave, she was transferred from the post of Firka Revenue Inspector and posted as Special Revenue Inspector (Land Acquisition) by the third appellant - District Collector on their own, without any request or grievance from the writ petitioner. How can the writ petitioner be expected to complete the remaining period required to meet the mandatory Firka Revenue Inspector service period condition, when she was not posted in that post ? How can the writ petitioner be withheld her promotion when she was not let to complete the required minimum tenure of 2 years as Firka Revenue Inspector ? This Court deems fit to cite here the first appellant's Circular No.4/2010 dated November 16, 2010, wherein and whereby the first appellant had *inter-alia* advised the district administrations across the State to post the relevant candidates as Firka Revenue Inspectors to enable them to complete the mandatory service period of 2 years in the said post under Rule 7 (a) read with Annexure III of Tamil Nadu Revenue Subordinate Service Rules.

15. Coming to the contention that the maternity leave is to be counted into the writ petitioner's service as Firka Revenue Inspector, this

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Court is of the *prima facie* view that there can be no such straight jacket formula or one-size-fits-all rule. But this Court is clear of one things, which is that maternity leave is a fundamental right as held by the Hon'ble Supreme Court in ***Umadevi -vs- State of Tamil Nadu***, reported in ***(2025) 8 SCC 263***. The object of maternity leave has been discussed by the Hon'ble Supreme Court in ***Municipal Corporation of Delhi -vs- Female Workers (Muster Roll)***, reported in ***(2000) 3 SCC 224*****,** as hereunder:

> *"33. A just social order can be achieved only when inequalities are obliterated and everyone is provided what is legally due. Women who constitute almost half of the segment of our society have to be honoured and treated with dignity at places where they work to earn their livelihood. Whatever be the nature of their duties, their avocation and the place where they work, they must be provided all the facilities to which they are entitled. To become a mother is the most natural phenomenon in the life of a woman. Whatever is needed to facilitate the birth of child to a woman who is in service, the employer has to be considerate and sympathetic towards her and must realise the physical difficulties which a working woman would face in performing her duties at the workplace while carrying a baby in the womb*

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or while rearing up the child after birth. The Maternity Benefit Act, 1961 aims to provide all these facilities to a working woman in a dignified manner so that she may overcome the state of motherhood honourably, peaceably, undeterred by the fear of being victimised for forced absence during the pre- or post-natal period."

16. This Court is of the *prima facie* view that, maternity leave being a product of social beneficial legislation aimed to empower women and balance her maternity rights with her employment rights to ensure her continued participation in workplace, maternity leave period shall be treated as service period and the female employee shall be entitled to all service benefits attended during the same. The maternity leave being a paid leave shall be counted for the purpose of seniority and other attended benefits. Accordingly, this Court holds that maternity leave cannot be cited to the detriment of the mother's professional growth or promotion in any manner.

17. The idea and purpose behind stipulating mandatory training period or service period in the nature of training period, for promotion, is to ensure that the employee is possessed of required knowledge, skills

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and more importantly experience to dispose of their functions effectively in their promotional post. That being the purpose, if this Court is to rule that maternity leave is to be reckoned as a part of qualifying training / service period for promotion in all cases, then in certain circumstances, the female candidate would be seated in a promoted position without adequate training hindering her effective functioning in the promoted post. If a female employee could not take part in an essential training or a major part thereof owing to her maternity leave, she would be deprived of the knowledge, skills and experience she would have gained therefrom and consequently, this would have an adverse impact on her effective discharge of duties. Hence, whether maternity leave is to be reckoned as a part of qualifying training / service period for promotion or not, is to be decided upon consideration of the unique facts and circumstances of each case. At the same time, as stated above, maternity leave cannot be cited as a ground to affect a female employee's promotion; in other words, maternity leave or non-satisfaction of any mandatory training / service period in lieu thereof, shall not in any manner stand as a hinderance for promotion the female employee otherwise deserves. Therefore, the Government may either relax the condition of mandatory training / service period, or promote the female employee subject to the condition

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that she completes the necessary training / service period within certain period of time, considering the facts and circumstances of each case. This way, the maternity rights of the female employee can be protected while ensuring that she is given the promotion she deserves along with sufficient training to dispose of her duties in the promoted post efficiently, thereby, striking a balance between the both.

18. In the present case, the third appellant - District Collector, while perusing the service register of the writ petitioner for considering her regularisation and probation as Deputy Tahsildar, has noticed that she had not met the mandatory service requirement. Probably, considering the fact that she was not posted in the post of Firka Revenue Inspector after rejoining from maternity leave, the third appellant sent a proposal to the second appellant for relaxation of the mandatory service requirement by adjusting the writ petitioner's service as Special Revenue Inspector (Land Acquisition) with the same. The second appellant however rejected the same.

19. There is no serious dispute with the fact that the writ petitioner is otherwise qualified to be promoted the post of Tahsildar. She has completed Police Training as well as Special Judicial Magistrate Training

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as required by Rule 7 (b) of Tamil Nadu Revenue Subordinate Service Rules. The only criteria which she does not fulfil according to the appellants is the mandatory service of 2 years of as Firka Revenue Inspector. Admittedly, she has served for 1 year 8 months and 17 days and the shortfall is 3 months and 13 days. Given that she had completed a major part of the mandatory service period and that she could not complete the remaining only as she was not given the opportunity to do so when she rejoined after her maternity leave, the condition ought to have been relaxed in her favour. The second appellant ought to have considered the third appellant's proposal in this regard in favour of the writ petitioner, but they failed to do so.

20. To sum up, the writ petitioner when she joined back from maternity leave, was moved by the district administration from the post of Firka Revenue Inspector and that is why she could not complete her mandatory service period of 2 years in the said post. Had the third appellant not transferred the writ petitioner from the post of Firka Revenue Inspector after she rejoined from maternity leave, or had the third appellant later given her an opportunity to complete the mandatory service period as Firka Revenue Inspector in tune with the first appellant's Circular No.4/2010 dated November 16, 2010, she would

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have naturally completed the same. Transfer is a domain of the head of the department, in this case the third appellant - District Collector, and the writ petitioner cannot be blamed for the same. It is settled law that the Government Servants cannot be denied promotion for want of service qualification if they were not given the chance to acquire service qualification by the department head [*see*-***The District Collector -vs-Sasi Sivanandham***, reported in ***MANU/TN/2221/2014***]. Moreover, 2 years' service requirement as Firka Revenue Inspector is a mandatory qualification for the post of Deputy Tahsildar and not for Tahsildar. As the writ petitioner was already promoted to the cadre of Deputy Tahsildar and has been serving in the same cadre till now, it can only be presumed that the writ petitioner was deemed to have fulfilled her mandatory service period as Firka Revenue Inspector or that the same was relaxed by appellants. In these circumstances, the promotion to the cadre of Tahsildar cannot be denied to the writ petitioner. Needless to mention that the writ petitioner is entitled to regularisation and declaration of probation as Deputy Tahsildar.

21. The learned Single Judge considering the facts and circumstances of the case, rightly ruled in favour of the writ petitioner and directed the appellants to promote the writ petitioner to the cadre of

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Tahsildar from the date on which her immediate juniors were given promotion, with all the consequential monetary and service benefits. This Court finds no warrant to interfere with the same. Accordingly, these Writ Appeals are liable to be dismissed as devoid of merits.

CONCLUSION :

22. Resultantly, these Writ Appeals are dismissed as devoid of merits. Twelve weeks' time from today is granted to comply with the Order of the learned Single Judge. In view of the facts and circumstances of this case, there shall be no order as to costs. Consequently, connect Civil Miscellaneous Petitions are closed.

(C.V.K.,J.) (R.S.V,J)
29 / 09 / 2026

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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C.V.KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.
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COMMON JUDGMENT MADE
IN
W.A. (MD) NOS.1385 & 1386 OF 2026

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