



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.[MD].No.10845 of 2017

K.Prabhakaran : Petitioner

Vs.

1.The Principal District Judge
Dindigul.
2.The Revenue Divisional Officer
Usilampatti, Madurai District.
3.The Tahsildar
Usilampatti, Madurai District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus calling for the records relating to the first respondent in his proceedings A.No.29/2017/A1, dated 27.02.2017 and quash the same and further direct the first respondent to revert back the petitioner to the parent department, namely, Revenue Department.

For Petitioner : Mr.PT.S.Narendravasan

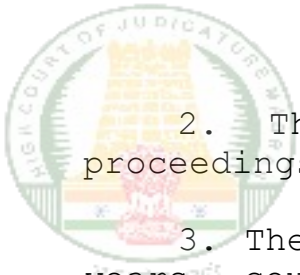
For Respondent No.1 : Mr.Pala Ramasamy
Standing Counsel

For Respondents 2 & 3 : Mr.V.Muruganantham
Additional Government Pleader

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.PT.S.Narendravasan, learned Counsel appearing for the petitioner, Mr.Pala Ramasamy, learned Standing Counsel appearing for the first respondent and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents 2 and



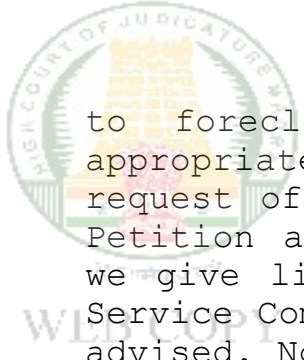
2. This Writ Petition has been filed challenging the proceedings of the first respondent dated 27.02.2017.

3. The petitioner, after completion of plus two, joined three years course of Diploma in Electronics and Communication Engineering. He applied for the post of Village Administrative Officer and appeared for the examination conducted by the Tamil Nadu Public Service Commission on 20.02.2011. The petitioner successfully passed the examination and was selected and appointed as Village Administrative Officer on 11.04.2012 and posted at Thimmanatham, Usilampatti Taluk, Madurai District. After serving for two years, his probation was declared on 01.08.2014. While serving as Village Administrative Officer, the petitioner appeared for Group IV examination conducted by the Tamil Nadu Public Service Commission, pursuant to the Notification No.18/2014, dated 14.10.2014. The petitioner was successful in the examination, after having cleared all the stages of examination conducted by the Tamil Nadu Public Service Commission and he was allotted to the Judicial Department. Accordingly, the petitioner was posted as Junior Assistant in Magalir Neethimandram [Fast Track Mahila Court], Dindigul. After having joined the service, citing certain personal reasons, the petitioner made a request to the first respondent to send him back to the Revenue Department. In this regard, a representation was submitted to the first respondent, which was rejected by the impugned order.

4. The learned counsel for the petitioner would submit that in terms of Rule 9(b), a member of a service, whenever selected by direct recruitment for appointment in any other service of this Government or in other State Government, Central Government, Public Sector Undertakings, Local Bodies, Corporations, or any other quasi-Government Organizations, shall hold the service right in the former service, for a period not exceeding one year only from the date of relief from the former service.

5. Thus, by referring to the said Rule, the learned counsel for the petitioner would contend that the request of the petitioner to send back him to the Revenue Department is well within a period of one year and the first respondent ought to have considered the same.

6. Firstly, it has to be noted that the present post, in which the petitioner is functioning, is by a separate selection conducted by the Tamil Nadu Public Service Commission, categorized under Group-IV. The earlier post of Village Administrative Officer was pursuant to the different notification issued by the Tamil Nadu Public Service Commission. Therefore, the first respondent, being the Principal District Judge, would have no jurisdiction to send the petitioner to the Revenue Department. Therefore, the order passed by the first respondent, impugned in this Writ Petition, is perfectly in order. However, we do not wish



to foreclose the right of the petitioner to approach the appropriate authority, who would have jurisdiction to consider the request of the petitioner. Accordingly, while dismissing the Writ Petition and affirming the order passed by the first respondent, we give liberty to the petitioner to move the Tamil Nadu Public Service Commission or the Government for appropriate relief, if so advised. No costs.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Principal District Judge
Dindigul.
- 2.The Revenue Divisional Officer
Usilampatti, Madurai District.
- 3.The Tahsildar
Usilampatti, Madurai District.

+One cc to Mr.P.T.S.Narendravasan, Advocate, SR.No.59581

+One cc to The Special Government Pleader, SR.No.59897

NB

RL/6C/3P/KP/SAR1/21/6/2017

ORDER MADE IN

W.P.[MD].No.10845 of 2017

12.06.2017