



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 27.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

WEB COPY

W.P(MD)Nos.19900 to 19903 of 2017
and W.M.P. (MD) Nos.16167 to 16174 of 2017

K.Saravanan ... Petitioner in W.P.(MD) No.
19900 of 2017

G.Ignacy ... Petitioner in W.P.(MD) No.
19901 of 2017

M.Rani ... Petitioner in W.P.(MD) No.
19902 of 2017

D.Manoharan ... Petitioner in W.P.(MD) No.
19903 of 2017

vs.

- 1.The State of Tamil Nadu,
Represented by the Secretary,
Adi Dravidar & Tribal Welfare Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Director,
Adi Dravidar & Tribal Welfare Department,
Chepauk,
Chennai - 600 005.
- 3.The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli. ... Respondents in all the Writ Petitions

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.Ei3/30588/2017, dated 24.10.2017, on the file of the Respondent No.3 and quash the same as illegal to the extent of reverting the petitioners to the post of Secondary Grade Teacher/Tutor-cum-Warden (B.T. Tamil Pandit) and consequently to direct the respondents to retain the petitioners as the Tutor-cum-Warden (B.T. Tamil Pandit) with effect from the date of acquiring the qualification of B.Ed., decree i.e.,
(i)30.12.2013(in WP 19900/17)
(ii)Nil(WP No.19901/17)
(iii)13.02.2015(in WP 19902/17 &
(iv)01.03.2010(in WP 19903/17)

<https://hcservices.ecourts.gov.in/hcservices/>

For Petitioners in all the : Mr.S.Louis
Petitions



For Respondents in all the : Mr.N.S.Karthikeyan
Petitions Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.Ei3/30588/2017, dated 24.10.2017 on the file of the Respondent No.3 and quash the same as illegal to the extent of reverting the petitioners to the post of Secondary Grade Teacher/Tutor-cum-Warden (B.T. Tamil Pandit) and consequently to direct the respondents to retain the petitioners as the Tutor-cum-Warden (B.T. Tamil Pandit) with effect from the date of acquiring the qualification of B.Ed., decree.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

3.It is submitted by the learned Additional Government Pleader appearing for the respondents that the impugned order has been issued for implementation of the order dated 04.01.2013 in W.P.(MD) No.5475 of 2010 passed by this Court, which has been confirmed in appeal by order dated 07.07.2017 passed in W.A.(MD) No.71 of 2014 and therefore, the petitioners cannot have any grievance against the same in the absence of any further challenge to the said order.

4.In response thereto, the learned counsel for the petitioners submits that though the impugned order has been passed, in pursuance of the aforesaid order of this Court, it was at the instance of one T.Ravikumar, who had challenged the promotion of the petitioners in these writ petitions on the ground that they were not qualified at the time of that promotion. It is now sought to be contended that the petitioners have subsequently acquired the qualification and as such the question of reverting them to the lower post may not now arise and that the concerned authority ought to have considered this aspect and re-fixed the seniority of the petitioners in the higher post by reckoning the date of their acquiring the qualification as the date of promotion, instead of reverting them to the lower post. In that backdrop, the learned counsel for the petitioners states that the petitioners would immediately make representations on or before 03.11.2017 to the second respondent and for that purpose, they have sought to withdraw these writ petitions and an endorsement has been made to that effect.

5.Recording the above said submissions and endorsement so made, these writ petitions are dismissed as withdrawn with liberty to the petitioners to make representations to the third respondent



for considering the continuation of the petitioners in the promotional post by fixing their seniority with effect from the date on which they had actually acquired the qualification.

6. This Court without expressing any view on the correctness or entitlement of such claim now made by the petitioners, hereby directs the third Respondent to consider such representation of the petitioners and pass reasoned orders thereon, on merits and in accordance with law and communicate such decision to the petitioners. If the aforesaid representations are made by the petitioners on or before 03.11.2017, the Respondents shall not give effect to the impugned order of reversion dated 24.10.2017 till those representations are disposed and depending upon the outcome of such decision, the Respondents are at liberty to pass appropriate further orders in the matter. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
Adi Dravidar & Tribunal Welfare Department,
State of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 600 009.

2. The Director,
Adi Dravidar & Tribunal Welfare Department,
Chepauk,
Chennai - 600 005.

3. The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.

+4cc to Mr. T. LAJAPATHIROY, Advocate, SR.84073

W.P (MD) Nos.19900 to 19903 of 2017
and W.M.P. (MD) Nos.16167 to 16174 of 2017
27.10.2017

SJ

KK/SV MMS/SAR 4/31.10.2017/ 3P- 8C/