



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD).Nos. 19120, 19122 & 19123 of 2019 and
W.M.P.(MD) Nos. 15467, 15468 of 2019 in
W.P.(MD) No.19120 of 2019 and
W.M.P.(MD) Nos.15470 & 15472 of 2019 in
W.P.(MD) No. 19122 of 2019 and
W.M.P.(MD) Nos.15475 & 15477 of 2019 in
W.P.(MD) Nos. 19123 of 2019

M. Vinayagamoorthy : Petitioner in W.P.(MD) No.
19120 of 2019

A. Pandiyammal : Petitioner in W.P.(MD) No.
19122 of 2019

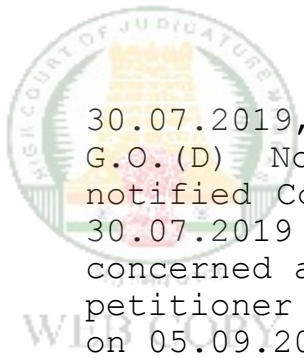
M. Udhayakumar : Petitioner in W.P.(MD) No.
19123 of 2019

Vs.

1. The Secretary to Government,
Department of Backward Classes, Most Backward Classes
and De-notified Communities and Minorities Welfare,
Secretariat, Saint George Fort,
Chennai.
2. The Director,
Most Backward and Denotified Communities
Welfare Department,
Ezhilagam, Chennai - 600 005.
3. The Joint Director,
Kallar Reclamation,
Madurai, Madurai District - 625 020. : Respondents in both
Writ Petitions.

COMMON PRAYER in W.P.(MD) Nos.19120, 19122 & 19123 of 2019 :

This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus to call for the records pertaining to Clause 9(1) of the G.O.(D) No.43 Backward Classes, Most Backward Classes and De-notified Communities and Minorities Welfare (bw3) Department, dated



30.07.2019, on the file of the first respondent a Clause 9(1) of the G.O.(D) No.43 Backward Classes, Most Backward Classes and De-notified Communities and Minorities Welfare (bw3) Department, dated 30.07.2019 and to quash the same in so far as the petitioners are concerned and consequently direct the third respondent to permit the petitioner participate in the General Counseling Transfer scheduled on 05.09.2019, in the third respondent office.

In both the Writ Petitions:

For Petitioner	: Mr.G. Chandrasekar
Respondents	: Mrs.S. Srimathy,
	Special Government Pleader

COMMON ORDER

These Writ Petitions have been filed to quash Clause 9(1) of the G.O.(D) No.43 Backward Classes, Most Backward Classes and De-notified Communities and Minorities Welfare (bw3) Department, dated 30.07.2019 on the file of the first respondent and also sought for a direction to the third respondent to permit the petitioner to participate in the General Counselling Transfer scheduled to be held on 05.09.2019, in the third respondent office.

2. According to the petitioners, they have promoted and joined in the present respective station on 14.06.2017 and thereafter, they have not attended the General Transfer Counseling for the academic year 2018 for the reason to grant exemption to insist upon minimum three years as per Government Orders for attending general transfer counselling.

3. The learned counsel appearing for the petitioners would submit that, by order of this Court, dated 27.08.2019 in W.P.(MD) No.14188 of 2019, wherein this Court has already considered the issue for entertaining the grievances of the petitioners and passed an order and therefore, he requests before this Court to dispose of the present writ petitions and similar order is to be passed to the writ petitioners.

4. The learned Special Government Pleader appearing for the respondents also accepted the contention of the learned counsel appearing for the petitioners and submitted before this Court that the similar order may be passed in the present writ petitions.

5. These petitioners have challenged the Clause 9(1) of the G.O.(D) No.43 Backward Classes, Most Backward Classes and De-notified Communities and Minorities Welfare (bw3) Department, dated 30.07.2019 issued by the first respondent/Secretary to Government. Therefore, the respondents shall file a counter affidavit before this Court. In the meantime, this Court is inclined to pass the following Interim Order:

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



In the light of the order, dated 27.08.2019 in W.P.(MD) No.14188 of 2019 there shall be an order of interim direction to the respondents to permit the petitioners to participate in the General Counseling Transfer for the year 2019-2020, if otherwise eligible and posting order will be passed, after getting order from this Court.

6. With the above directions, these Writ Petitions are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary to Government,
Department of Backward Classes, Most Backward Classes
and De-notified Communities and Minorities Welfare,
Secretariat, Saint George Fort,
Chennai.
2. The Director,
Most Backward and Denotified Communities
Welfare Department,
Ezhilagam, Chennai - 600 005.
3. The Joint Director,
Kallar Reclamation,
Madurai, Madurai District - 625 020.

Common Order in
WP (MD) .Nos.19120, 19122&
19123 of 2019
30.08.2019

ksa
JM/05.09.2019/3P/4C