



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.10.2019
CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.22615 of 2018

and

W.M.P.(MD)Nos.20496 & 20497 of 2018, 187 and 16125 of 2019

M.K.Sakeela Banu

... Petitioner

vs.

1.Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Social Welfare and Nutrious Meal Program Department,
Fort St. George,
Chennai.

2.The Commissioner/The Director,
Social Defense Department,
No.300, Punthamalli High Road,
Kellys, Chennai.

... Respondents

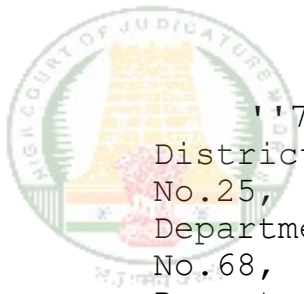
Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned G.O.68, dated 26.09.2018, passed by the first respondent, quash the same with the consequential direction to the respondents to include the post of Superintendent, Government Vigilance Home, in the feeder category for appointment to the District Child Protection Officer (DCPO).

For Petitioner : Ms.Porkodi Karnan
for M/s.Polax Legal Solutions
For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

This Writ Petition has been filed seeking to quash the impugned G.O.68, dated 26.09.2018, passed by the first respondent, and a consequential direction to the respondents to include the post of Superintendent, Government Vigilance Home, in the feeder category for appointment to the District Child Protection Officer (DCPO).

2.The second respondent filed counter affidavit along with vacate stay petition viz., W.M.P.(MD)No.16125 of 2019, wherein at Paragraphs 7 and 8, it has been held as follows:-



7.It is respectfully submitted that 32 posts of District Child Protection Officers were created vide G.O.(Ms) No.25, Social Welfare and Nutritious Meal Programme (SW8(1)) Department, dated 22.02.2016 and subsequently, in G.O.(Ms) No.68, Social Welfare and Nutritious Meal Programme (SW8(2)) Department dated 26.09.2018, the Government have issued Ad hoc Rules for the post of District Child Protection Officer in which it has been stipulated that the appointment by direct recruitment and by recruitment by transfer shall be 1:1. Hence, out of the 32 newly created posts of District Child Protection Officers, 16 posts shall be filled up through direct recruitment and the rest of 16 posts only by recruitment by transfer. As filling up of the 16 posts by direct recruitment through Tamil Nadu Public Service Commission (TNPSC) out of the 32 newly created posts has no relevance to different categories of posts that could be considered as feeder category for the District Child Protection Officer for recruitment by transfer. Further, the prayer of the petitioner is confined with the posts meant for recruitment by transfer, and that had to be included as feeder category for the post of District Child Protection Officer and she is not challenging the 16 posts earmarked for appointment by direct recruitment. Hence, the petitioner is not going to be affected in any way if the 16 posts earmarked for direct recruitment is proceeded with. However, Government in Lr.No.14579/SW8(2)/2017-3, dated 14.06.2019 had informed their decision to include the post of Superintendent, Government Children Home and Government Protective/Vigilance Homes as one of the feeder categories to the post of District Child Protection Officer as requested in the Writ Petition. Accordingly a proposal has been sent to Government vide Commissioner of Social Defence Lr.No.9617/A1/2014, dated 28.08.2019, to amend the ad hoc rules pertaining to the post of District Child Protection Officer by including the post presently held by the petitioner.

8.It is humbly stated that since the interim injunction enforce it is unable to appoint District Child Protection Officers on a permanent basis and the department is left with an only option to continue the post of 50% of District Child Protection Officers with contractual employees in a sensitive post which is not appropriate to deal with sensitive child protection issues.'

3.Recording the above said averments made in the counter affidavit filed by the second respondent, this Writ Petition is closed directing the respondents to pass orders on the proposal of 12 weeks from the date of receipt of a copy of



this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (AD-II)

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government of Tamil Nadu,
Social Welfare and Nutrious Meal Program Department,
Fort St. George,
Chennai.

2.The Commissioner/The Director,
Social Defense Department,
No.300, Punthamalli High Road,
Kellys, Chennai.

+1.CC. To Spl.Govt.Pleaderin SR No.93091

W.P. (MD)No.22615 of 2018
17.10.2019

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