



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 06.10.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P(MD)No.652 of 2021**

**and**

**W.M.P(MD)Nos.545 & 547 of 2021**

**WEB COPY**

V.S.Navaneethakrishnan

... Petitioner

**Vs.**

1.The Director of Most Backward Classes and Denotified Communities Welfare,  
Ezhilagam,  
Chepauk,  
Chennai-5.

2.The Joint Director,  
Kallar Reclamation,  
Madurai-625 020.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Order in Proc.No.B2/1817/2019 dated 21.12.2020 in so far as the petitioner is concerned on the file of the Respondent No.1 and the consequential Impugned Order in Na.Ka.No.H.1/47708/2020 dated 23.12.2020 on the file of the Respondent No.2 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Shanmugavel,  
Standing Counsel for State.

**ORDER**

This Writ Petition has been filed for the issue of a Writ of Certiorari, to call for the records pertaining to the Impugned Order in Proc.No.B2/1817/2019 dated 21.12.2020 in so far as the petitioner is concerned on the file of the respondent no.1 and the consequential Impugned Order in Na.Ka.No.H.1/47708/2020 dated 23.12.2020 on the file of the respondent no.2 and quash the same as illegal.



2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

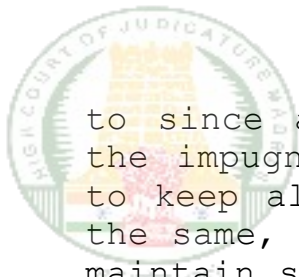
3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

WEB COPY

4. According to the petitioner, he was appointed as B.T. Assistant on 13.07.2004 at Government Kallar Higher Secondary School, Nattarmangalam, Madurai District and later he was promoted as Head Master of High School, Government Kallar High School, Suliochanpatti, Madurai District and after seven years, at the request of the petitioner, the 2<sup>nd</sup> respondent transferred him to Government Kallar High School, Thanakkankulam vide order dated 16.12.2020 and pursuant to the same, on 18.12.2020 the petitioner also joined duty at the transferred place. While so, by order dated 21.12.2020, the 1<sup>st</sup> respondent ordered to keep all the transfer orders passed by the 2<sup>nd</sup> respondent in abeyance and directed the 2<sup>nd</sup> respondent to review all the transfer orders. The grievance of the petitioner is that without assigning any reason, the impugned order has been passed and the same cannot be sustained since the 1<sup>st</sup> respondent has no jurisdiction to order status quo of the transfer order issued by the 2<sup>nd</sup> respondent. Hence, the petitioner has come forward with the present Writ Petition, seeking to quash the order of the 1<sup>st</sup> respondent.

5. A counter affidavit has been filed on behalf 2<sup>nd</sup> respondent, stating that since many transfer and posting orders were issued by the then Joint Director, Kallar Reclamation, Madurai contrary to the rules pertaining to the general transfers during Covid-19 pandemic, vide impugned order dated 21.12.2020, the 1<sup>st</sup> respondent ordered to keep all the transfer orders including the petitioner's order in abeyance and directed to maintain status quo until further orders and further the 2<sup>nd</sup> respondent was directed to review all the transfer and posting orders. Consequently, vide order dated 23.12.2020 of the 2<sup>nd</sup> respondent, all the individuals were directed to rejoin their previous working places. In view of the Covid-19 pandemic, general transfer counselling was not conducted as per the directions of the Government, while the present transfer orders were issued contrary to the Rules and general directions issued by the Government in lieu of Covid-19 pandemic while all the schools and hotels were remain closed. After receipt of the report of the enquiry from the 2<sup>nd</sup> respondent, the matter will be considered by the 1<sup>st</sup> respondent. No grounds were made out by the petitioner to quash the impugned order. With these averments, the 2<sup>nd</sup> respondent sought for dismissal of the writ petition.

6. It is to be noted that though the 2<sup>nd</sup> respondent issued transfer order dated 16.12.2020, but it has not been given effect



to since after the petitioner joining the transferred place, by the impugned order dated 21.12.2020, the 1<sup>st</sup> respondent directed to keep all the transfer orders in abeyance and in compliance of the same, the 2<sup>nd</sup> respondent vide order dated 23.12.2020 ordered to maintain status quo and pursuant to the same, the petitioner again joined in his previous working place. The impugned order was passed by the 1<sup>st</sup> respondent taking note of the alleged irregularity in passing the transfer orders by the then Joint Director contrary to the rules pertaining to the general transfers and also against the directives issued by the Government during Covid-19 pandemic situation.

7.However, it is reported that now there is some progress and normalcy being taken place in respect of Covid-19 pandemic situation and the schools were reopened and the Government permitted the schools to conduct XI to XII Classes and further, the Government has also taken a decision to open the middle schools from 1<sup>st</sup> November onwards. In view of the subsequent development, now the transfer orders passed by the 2<sup>nd</sup> respondent vis-a-vis the impugned order passed by the 1<sup>st</sup> respondent and status quo order passed by the 2<sup>nd</sup> respondent are required to be reviewed and to reconsider the request of the petitioner.

8.Accordingly, the respondents are directed to review the transfer orders vis-a-vis status quo order and to reconsider the request of the petitioner and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

9.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Director of Most Backward Classes and Denotified Communities Welfare,  
Ezhilagam,  
Chepauk,  
Chennai-5.

2.The Joint Director,  
Kallar Reclamation,  
Madurai-625 020.

+1 CC to M/s.SPL.GP ( SR-31509[F] dated 07/10/2021 )

+1 CC to M/s.T.LAJAPATHI ROY, Advocate ( SR-31454[F] dated 07/10/2021 )

**W.P (MD) No. 652 of 2021**  
**06.10.2021**

RK (27/10/2021) 4P 5C