



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.657 of 2021

and

W.M.P(MD)Nos.550 & 551 of 2021

WEB COPY

T.Jeganthan

... 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.10/14640/2020 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.10/14640/2020 dated 23.12.2020 on the file of the respondent no.2 and quash the same.

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.

4. According to the petitioner, he was appointed as Secondary Grade Teacher on 24.08.2015 at Government Kallar Primary School, M.Subbrulapuram, Periyakulam Range, Theni District and after five years, at the request of the petitioner, the 2nd respondent transferred him to Government Kalla Boys Hostel, Melagudalur, Theni District vide order dated 11.12.2020 and pursuant to the same, the petitioner also joined duty at the transferred place. While so, by order dated 21.12.2020, the 1st respondent ordered to keep all the transfer orders passed by the 2nd respondent in abeyance and directed the 2nd 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 1st respondent has no jurisdiction to order status quo of the transfer order issued by the 2nd respondent. Hence, the petitioner has come forward with the present Writ Petition, seeking to quash the order of the 1st respondent.

5. A counter affidavit has been filed on behalf 2nd 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 1st 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 2nd respondent was directed to review all the transfer and posting orders. Consequently, vide order dated 23.12.2020 of the 2nd 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 2nd respondent, the matter will be considered by the 1st respondent. No grounds were made out by the petitioner to quash the impugned order. With these averments, the 2nd respondent sought for dismissal of the writ petition.

6. It is to be noted that though the 2nd 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 1st respondent directed to keep all the transfer orders in abeyance and in compliance of the same, the 2nd 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 1st 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 1st November onwards. In view of the subsequent development, now the transfer orders passed by the 2nd respondent vis-a-vis the impugned order passed by the 1st respondent and status quo order passed by the 2nd 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)

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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.T.LAJAPATHI ROY, Advocate (SR-31455[F] dated
07/10/2021)

W.P (MD) No . 657 of 2021
06.10.2021

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