



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.20020 of 2021

and

W.M.P.Nos.21278, 21279 & 21280

1. C.Vijaya Raj
2. Thirumoorthy
3. Vijayaraghavan

... Petitioners

Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Near Tiruppur North Taluk, Office,
Kumaran Road,
Tiruppur - 641 601.

2. The District Collector, Tiruppur,
Collectorate,
Tiruppur - 641 604.

3. Gunasundhari

4. Bannari

5. Neelakandan

... Respondents

R3 to R5 impleaded vide order dated 28/02/2022
made in WMP No.29457 of 2021 in WP No.20020 of 2021 by DKKJ

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent issued in Notification vide Na.Ka.2963/2021/A3 dated 07.09.2021 and quash the same along with counselling proceedings conducted in pursuance to the said Notification and consequently direct the first respondent herein to reconduct the counselling for the transfer of Village Administrative Officers at the Division level in Tiruppur as per the guidelines stipulated in G.O.Ms.No.515, Revenue (Employment-7(1)) Department, dated 25.08.2008.

For Petitioners

:

Mr.L.Chandrakumar

for J.V.Sakthi Baalakrishnan



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For R1 & R2 : Mr.A.M.Ayyadurai
Government Advocate

For R3 to R5 : Mr.C.Prabakaran

O R D E R

The relief sought for the present writ petition is to call for the records of the first respondent issued in Notification vide Na.Ka.2963/2021/A3 dated 07.09.2021 and quash the same along with counselling proceedings conducted in pursuance to the said Notification and consequently direct the first respondent herein to reconduct the counselling for the transfer of Village Administrative Officers at the Division level in Tirupur as per the guidelines stipulated in G.O.Ms.No.515, Revenue (Employment-7(1)) Department, dated 25.08.2008.

2.Brief facts of the case:

Though the petitioners are eligible for transfer as per the G.O.No.515, Revenue (Employment-7(1)) Department, dated 25.08.2008, the first respondent had went on to conduct a counseling for the transfer of VAOs and had circulated seniority list to the VAOs of all the Taluks in the Tirupur Division by way of an email dated 25.08.2021, however, the said list did not contain any seal or signature of the Revenue Divisional Officer, Tirupur. Aggrieved over the said list, petitioners and other VAO's have sent their objections vide representations dated 25.08.2021 and 01.09.2021, even though, the first respondent has issued a notification vide Na.Ka.2963/2021/A3 dated 07.09.2021, by falsely stating that no objections were raised with regard to the said Seniority List and fixed the counselling for the transfer of VAOs on 11.09.2021 but however, gave another opportunity to raise any objections regarding the said seniority list by 09.09.2021 evening and hence, on 08.09.2021 the petitioners sent a representation. However, the first respondent by notification vide Na.Ka.2963/2021/A3 dated 09.09.2021 had dismissed all the objections stating that the counselling for the transfer of VAOs is conducted as per Clause 2(J) and 2(K) of the said Government Order. Hence, the writ petition.

3.The learned counsel for the petitioners would submit that the petitioners have completed three years of service as Village Administrative Officer, under "B" Village and his is eligible for being transferred to "A" Village as per the guidelines stipulated in the Government Order in G.O.Ms.No.515, Revenue (Employment-7(1)) Department, dated 25.08.2008, but the



respondent has not published the eligibility list as per the said G.O.

4.The learned Government Advocate appearing for the respondents 1 & 2 has submitted the counter affidavit filed by the first respondent and stated that the respondents have followed the guidelines prescribed under the government order and further submitted that eligibility list to the Village Assistant Officer has been circulated through E-Mail. Therefore, the allegation that the seniority list was not prepared as contemplated under Clause 2(H) & 2(I) of the said Government Order is denied by the respondents as false and in correct. Further, he would submit that now the revised list has been published by the respondent.

5.The learned counsel for the petitioner would submit that there is no separate eligibility list for "A" and "B" categories as per the Government Order. Therefore, the respondents have to strongly comply the government order for ensuing first transfer counselling to be conducted in the coming year and if any request made by the petitioner, if otherwise eligible his name also to be considered in the eligibility list published by the respondents.

6.In view of the aforesaid submission, the learned Government Advocate would submit that the respondent vide his proceedings in Na.Ka.2963/2021/A3, dated 14.09.2021, had appointed 22 eligible Village Administrative Officers to the A-Village on their seniority level, which are vacant at that time in the A-Villages and the petitioners were appointed to the B-Village since their names were not listed in the eligible A-Village on the rotation basis and when they are eligible to be appointed in the A-Village.

7.Heard the learned counsel on either side and perused the materials placed on record.

8.In view of the aforesaid facts and the submissions of the parties, this Court is inclined direct the respondents 1 & 2 to consider the petitioner request and if otherwise eligible include the petitioner's name in the eligibility list to be prepared by the respondents for the ensuing general transfer counselling under "A" or "B" category, to the post of the Village Administrative Officer in accordance with the Government Order passed in G.O.Ms.No.515, Revenue (Employment - 7(1)) Department, dated 25.08.2008 and also direct the respondent to prepare the separate seniority list for the village under "A" and "B" category as per the said Government Order.

9.With the above directions, this Writ Petition stands



disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

dua

To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Near Tiruppur North Taluk, Office,
Kumaran Road, Tirupur - 641 601.
2. The District Collector,
Tiruppur,
Collectorate,
Tiruppur - 641 604.

+1cc to Mr.J.V.Sakthi Balakrishnan, Advocate, S.R.No.29236

+1cc to the Government Pleader, S.R.No.29403

W.P.No.20020 of 2021
and
W.M.P.Nos.21278, 21279 & 21280

NRL (CO)
SU (04/05/2022)