



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

W.P.[MD].No.1067 of 2022

W.M.P.[MD].Nos.892 & 893 of 2022

S.Bala

... Petitioner

Vs.

1.The Commissioner of Adi Dravidar Welfare,
O/o.The Commissioner of Adi Dravidar Welfare,
Chepauk,
Chennai-5.

2.The District Adi Dravidar & Tribal Welfare Officer,
O/o.The District Adi Dravidar & Tribal Welfare,
Thoothukudi District. ...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to permit the petitioner to participate in the general transfer counselling for the post of Secondary Grade Matron/Secondary Grade Teachers in Adi Dravidar Welfare Schools and Hostels in Thoothukudi District proposed to be conducted on 24.01.2022 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

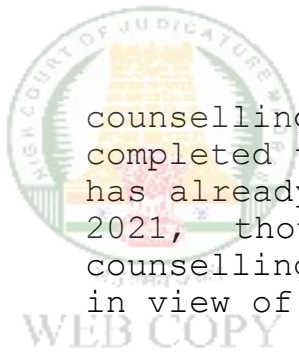
For Respondents : Mr.J.Ashok

Additional Government Pleader

O R D E R

This Writ Petition has been filed directing the respondents to permit the petitioner to participate in the general transfer counselling for the post of Secondary Grade Matron/Secondary Grade Teachers in Adi-Dravidar Welfare Schools and Hospitals in Thoothukudi District, proposed to be conducted on 22.01.2022.

2. Mr.T.Lajapathi Roy, learned counsel appearing for petitioner submits that the petitioner, who is working as Second Grade Matron in Government Adi-Dravidar Girls Hostel, Nazerath, Thoothukudi, has been transferred from Nazerath to Thoppur Adi Dravidar Hostel by order dated 29.10.2021. The petitioner has challenged the said transfer order in W.P.(MD).No.20583 of 2021. This Court, while entertaining the said petition, has granted an order of interim stay. Now, the Government has taken a decision to conduct transfer



counselling for the Secondary Grade Wardens/Matrons, who have completed three years of service on 22.01.2022. Since the petitioner has already challenged the order of transfer in W.P.(MD).No.20583 of 2021, though he is eligible to participate in the transfer counselling, he was not permitted to participate in the counselling, in view of writ petition filed by him pending before this Court.

3. Mr.Ashok, learned Additional Government Pleader takes notice for the respondent and submits that since the petitioner has already been transferred from Nazerath to Thoppur, he is not entitled to participate in the counselling. Moreover, the order of transfer is still under challenge before this Court in W.P.(MD).No.20583 of 2021. The respondents have also filed a counter affidavit and the application for vacating the interim stay in the said petition.

4. In reply, learned counsel appearing for the petitioner submits that the earlier order of transfer was passed to accommodate one K.Saravanaselvi in the place of the petitioner. If the pending writ petition is only impediment for the respondents to allow the petitioner to participate in the counselling, he is prepared to withdraw the same and he will give a letter to the Registry withdrawing the writ petition.

5. This Court paid its anxious consideration to the rival submissions made.

6. It appears that the petitioner has already been transferred from Nazerath to Thoppur Adi Dravidar Hostel by order dated 29.10.2021, on the request of one Saravana Selvi. Therefore, this Court, while entertaining the said writ petition, granted an order of interim stay. However, the petitioner has now come forward to withdraw the said writ petition. Registry is directed to post the W.P.(MD).No.20583 of 2021 under the caption for withdrawal on 25.01.2022.

7. In view of the stand taken by the learned counsel appearing for the petitioner, this Writ Petition is allowed with a direction to the respondents to allow the petitioner to participate in the transfer counselling, which is proposed to be conducted on 22.01.2022. The learned Additional Government Pleader shall inform this order to the respondents forthwith. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)



To

1.The Commissioner of Adi Dravidar Welfare,
O/o.The Commissioner of Adi Dravidar Welfare,
Chepauk,
Chennai-5.

2.The District Adi Dravidar & Tribal Welfare Officer,
O/o.The District Adi Dravidar & Tribal Welfare,
Thoothukudi District.

**W.P. [MD] .No.1067 of 2022
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MGJ(20.01.2022) 3P 3C