



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.1304 of 2022

Kaleeswari

... Petitioner

versus

1. The Commissioner,
Adi Dravidar and Tribal Welfare,
Chepauk,
Chennai - 5.

2. The District Adi Dravidar and
Tribal Welfare Officer,
Virudhunagar District,
Virudhunagar.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the first respondent to pass final order on the order passed by the second respondent in Na.Ka.T2/44127/2021 dated 03.01.2022 and to transfer the petitioner to Adi Dravidar Welfare Primary School at Maniyampatti, Virudhunagar District.

For Petitioner : Mr.B.Vinoth Kumar

For Respondents : Mr.S.Saji Bino,
Special Govt. Pleader

ORDER

This writ petition is filed for a Mandamus, directing the first respondent to take a decision on the recommendation of the second respondent in Na.Ka.T2/44127/2021 dated 03.01.2022, by transferring the petitioner to Adi Dravidar Welfare Primary School at Maniyampatti, Virudhunagar District.

2. The learned counsel appearing for the petitioner submits that the petitioner, who was appointed as Secondary Grade Teacher in the year 1995, was posted at Adi Dravidar Welfare Primary School, Kottaiyur, Virudhunagar District in the year 1995 itself. Thereafter, she was promoted as a Primary Headmistress on 12.01.2021 and posted at Adi Dravidar Welfare Primary School at Korukkampatti, Virudhunagar District. She is now at the age of 57 years and she has rendered 26 years of unblemished service. Considering the age and the difficulties faced by the petitioner, the second respondent has also made a recommendation to the first respondent to post this petitioner as Primary School Headmistress of Adi Dravidar Welfare



Primary School at Maniyampatti, Virudhunagar District on 03.01.2022. But, the same has not been considered by the first respondent. Therefore, the petitioner is before this Court.

3. Mr.S.Saji Bino, learned Special Government Pleader appearing for the respondents submits that the petitioner was posted to the present place only on 12.01.2021 and as per the transfer guidelines, she would be eligible for transfer only after the completion of one year period.

4. The said contention is disputed by the learned counsel for the petitioner that the petitioner was not posted to the present place on transfer and she was promoted and posted at Korukkampatti in the year 2021. Therefore, the transfer guidelines, referred by the learned Special Government Pleader, is not applicable to the case of the petitioner. He also relied on clause IX (f) of G.O.Ms.No.162 dated 16.11.2021 that the condition of minimum requirement of one year is not applicable to those candidates, who are posted on promotion.

5. Considering the rival submissions and also considering the age of the petitioner, this writ petition is allowed with a direction to the first respondent to take a decision on the recommendation of the second respondent dated 03.01.2022 and pass orders, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

28/02/2022

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 Commissioner,
Adi Dravidar and Tribal Welfare,
Chepauk,
Chennai - 5.



2. The District Adi Dravidar and
Tribal Welfare Officer,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.B.VINOTH KUMAR, Advocate (SR-2843[F] dated
28/01/2022)

+1 CC to M/s.SPL.GP (SR-2814[F] dated 28/01/2022)

W.P(MD)No.1304 of 2022
27.01.2022

MGJ(28.02.2022) 3P 5C