



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.1398 of 2022

and W.M.P. (MD)Nos.1238 and 1239 of 2022

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P.Raja

... Petitioner

versus

1. The Commissioner,
Adi Dravidar Welfare Department
Office of the Adi Dravidar Welfare
Department, Chepauk,
Chennai - 600 005.

2. The Director of Adi Dravidar &
Tribal Welfare,
Chepauk, Chennai - 600 005.

3. The District Adi Dravidar
Welfare Department,
Office of the District Adi Dravidar
Welfare Department,
Theni District.

... Respondents

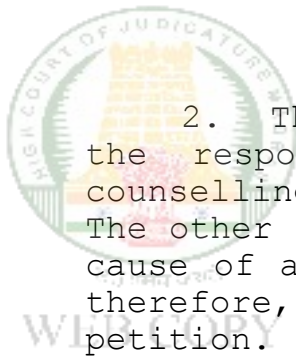
Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to allow the participation of petitioner in the general counselling for transfer conducted by the respondents for Secondary Grade Teachers and consequently, direct the respondents herein to consider the petitioner for promotion as BT Assistant considering his seniority and teaching experience for imparting education to VI Std., to X Std., in the High School.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

This writ petition is filed for a Mandamus, directing the respondents to allow the petitioner to participate in the general counselling for transfer conducted by the respondents for Secondary Grade Teachers and consequently, direct the respondents herein to consider him for promotion as BT Assistant, by considering his seniority.



2. The first relief sought for by the petitioner is to direct the respondents to allow him to participate in the general counselling for transfer conducted for Secondary Grade Teachers. The other relief sought for by the petitioner is for promotion. The cause of action for the relief sought for are not one and same and therefore, both the relief cannot be claimed in a single writ petition.

3. It is relevant to extract Rule 3 of Original Side Rules, which reads as follows:

3. Form of Writ Petitions

(1) A petition for directions, orders or writs under Article 226 of the Constitution of India including a writ of habeas corpus, mandamus, prohibition, declaration, quowarranto, certiorari or certiorarified mandamus shall be in the form of a petition accompanied by an affidavit setting out the facts, contentions and grounds, as prescribed in these Rules.

(2) A petition shall

(a) bear the title "Writ Petition No. of 20... ;

(b) indicate that it is filed under Article 226, Constitution of India;

(c) contain the name, description and the address of the Petitioner and the Respondent; and
(d) contain the relief sought.

(3) A Petition may contain multiple or alternate reliefs arising from same cause of action, in addition to one or more ancillary or consequential reliefs. Provided that separate court fee should be paid for each multiple relief, but not for ancillary or consequential reliefs. Provided further the court may direct the filing of a separate Writ Petition in respect of any multiple relief.

(4) A Petition shall be signed by the petitioner or his Advocate. Every Advocate signing a Writ Petition shall record below his name, his roll number in the rolls of the State Bar Council where he is enrolled.

(5) A Petition seeking relief against an officer or other employee of a State or Central Government in relation to his official duties shall refer to the person concerned only by designation and not by name. The State or Central Government may be made a party to the Writ Petition where necessary.

(6) Where a Petition is filed by or against the High Court, the High Court shall be represented by its Registrar General.



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(7) Where the cause of action for the Petition relates to criminal proceedings, or arises from Acts containing penal provisions, or is against police officials, including parole, premature release, and remission, the Writ Petition shall be in the form set out in these Rules and titled as "W.P. (Cr1.) No. of 20.....".

4. As per Sub Rule 3 Rule 3 of Original Side Rules of Madras High Court, a petition may contain multiple or alternate reliefs arising from same cause of action, in addition to one or more ancillary or consequential reliefs. The reliefs sought for in the writ petition are not arising on the same cause of action and therefore, a writ petition has to be filed separately.

5. While disposing the writ petition, the learned counsel for the petitioner submits that with regard to the first relief, directing the respondents to allow the petitioner to participate in the general counselling for transfer conducted for Secondary Grade Teachers, the transfer counselling was already over. Therefore, the first relief sought for in the writ petition is dismissed as infructuous.

6. As per Rule 3(3) of Original Side Rules of Madras High Court (as cited supra), this writ Petition is not maintainable so far as the second relief is concerned. The cause of action to participate in the general counselling for transfer conducted for Secondary Grade Teachers and for promotion is different. If the reliefs are arising out of same cause of action, a separate court fee must be paid for each multiple relief. In this writ petition, the cause of action is also different.

7. Accordingly this writ petition is dismissed with a liberty to the petitioner to file a fresh writ petition separately. No costs. Consequently, connected miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /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

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Department, Chepauk,
Chennai - 600 005.

2. The Director of Adi Dravidar &
Tribal Welfare,
Chepauk, Chennai - 600 005.

3. The District Adi Dravidar
Welfare Department,
Office of the District Adi Dravidar
Welfare Department,
Theni District.

+1 CC to M/s.K.APPADURAI, Advocate (SR-2733[F] dated 28/01/2022)

+1 CC to M/s.SPL.GP (SR-3102[F] dated 31/01/2022)

W.P(MD)No.1398 of 2022
27.01.2022

_RD(30.03.2022) 4P 6C