



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A(MD)Nos.258 & 259 of 2022

and C.M.P. (MD) Nos.2465 & 2466 of 2022

Mrs.Manimekala

Mrs.Sethu Lakshmi .. Appellants

Vs

1. Tamil Nadu Government,
through its Secretary,
Adi Diravidar and Tribal Welfare Department,
St. George Fort, Chennai.
2. The Commissioner,
Adi Diravidar and Tribal Welfare Directorate,
Chepauk, Chennai - 600 005.
3. The District Welfare Officer,
District Adi Diravidar and Tribal Welfare Office,
Theni, Theni District. .. Respondents/Respondents
in both appeals

Common Prayer: Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 18.02.2022 made in W.P.(MD) Nos.22268 and 22270 of 2021.

Common Prayer in WP(MD) . 22268 and 22270 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue WRIT OF CERTIORARI calling for the records relating to the Impugned Order in R1/6461/2021 Dated 08.12.2021 passed by the 2nd Respondent and quash the same so far as this petitioner is concerned



For Appellants : Mr.B.Rajesh Saravanan
For Respondents : Mr.K.Balasubramani
Special Government Pleader
in W.A(MD) No.258/2022
Mr.S.R.A.Ramachandran,
Addl.Government Pleader
in W.A(MD) No.259/2022

WEB COPY

COMMON ORDER

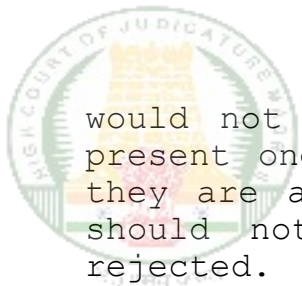
[Delivered by PARESH UPADHYAY, J.]

Challenge in these appeals is made to the order dated 18 February 2022 recorded on W.P(MD) Nos.22628 and 22270 of 2021. These appeals are by the original writ petitioners.

2. Learned advocate for the appellants / writ petitioners has submitted that, the orders impugned in writ petitions were liable to be interfered with, since by the impugned orders the petitioners were transferred in breach of the instructions of the Government. It is submitted that, both the appellants are lady wardens and they are transferred to the boys hostel as Warden, coupled with the fact that the persons junior to the appellants are not transferred. It is submitted that, this being the position, the interference of this Court is required. It is vehemently submitted that, when the lady teachers are posted at boys hostel, as a part of their duty, they would be required to stay at hostel even during night hours, which needs to be taken into consideration.

3. Having heard learned advocate for the petitioners and having considering the material on record this Court finds that, the transfer is the issue between the Government and the employee(s) and under normal circumstances, discretion under Article 226 of the Constitution of India is not exercised. In the present case, learned Single Judge has chosen not to interfere in the transfer orders. It can not be said to be erroneous much less any error apparent on the face of record, which may call for any interference in these intra-court appeals. These appeals therefore need to be dismissed.

4. We note that, learned advocate for the appellants has made serious grievance that, the appellants are lady wardens and they need to stay at hostel even during night hours, whereas the hostel is a boys hostel. Such an argument can not be entertained. Had the converse been the situation, that the girls hostel was there and male warden were posted there and if that objections comes from the students, then also, whether that should be the ground to interfere is also a question, because the Warden is the guardian of the students and even if he is a male, his position would be accepted as an elder brother or father. Therefore this argument



would not be accepted under both the circumstances. Further, the present one is a case where the lady wardens have complained that they are asked to stay in the boys hostel at night. The students should not be condemned this way. This argument is therefore rejected.

WEB COPY

5. For the above reasons, these appeals are dismissed. No costs. Consequently, connected Miscellaneous Petitions would not survive.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pkn/5,6

To

1. The Secretary,
Adi Diravidar and Tribal Welfare Department,
Tamil Nadu Government,
St. George Fort, Chennai.
2. The Commissioner,
Adi Diravidar and Tribal Welfare Directorate,
Chepauk, Chennai - 600 005.
3. The District Welfare Officer,
District Adi Diravidar and Tribal Welfare Office,
Theni, Theni District.

+2 CC to M/s.B.RAJESH SARAVANAN, Advocate (SR-13407, SR-13406[F]
dated 22/03/2022)

+1 CC to M/s.SPL GP (SR-13474,13897[F] dated 22/03/2022)

W.A(MD)Nos.258 & 259 of 2022
21.03.2022

RD(30.03.2022) 3P 7C