



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.23046 of 2021

and

W.M.P. (MD) Nos.19522 & 19523 of 2021

K.Esakkimurugeswari

... Petitioner

-vs-

1.The Commissioner of Revenue Administration/
Principal Secretary to the Government,
Government of Tamil Nadu, Revenue Department,
Secretariat, Chennai-600 009.

2.The District Collector,
Thoothukudi District, Thoothukudi.

3.M.Kannan

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent pertaining to the impugned order in Na.Ka.No. ~~96~~ **16/199/2021** dated 15.12.2021 and quash the same as illegal and arbitrary and consequently direct the respondents 1 and 2 to consider the petitioner name for the post of Tahsildar in the year 2020-2021 in the Scheduled Caste reserved carried over vacancies in accordance with law and within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganesha Moorthi

For RR1 & 2 : Mr.A.K.Manikkam
Special Government Pleader

For R3 : Mr.B.Vinoth Kumar

O R D E R

The relief sought for in the present writ petition is to quash the order dated 15.12.2021.

2. The order dated 15.12.2021 is the transfer and posting order, which was issued in respect of the 3rd respondent pursuant to his promotion to the higher post.



3. The learned Special Government Pleader brought to the notice of this Court that the 3rd respondent joined as Assistant on 12.09.2008. However, the petitioner joined as Assistant only on 07.01.2010.

WEB COPY

4. This being the factum, the 3rd respondent is senior to the petitioner. Furthermore, the transfer order has been challenged in the present writ petition. Transfer and posting are issued on administrative grounds. However, the claim of the writ petitioner regarding the promotion has already been decided in W.P.(MD) No.9977 of 2021. In view of the fact that the petitioner is junior to the 3rd respondent and further, the transfer and posting orders are no way connected with the petitioner, as her claim is only for promotion and not questioning the transfer and promotion, which is unconnected, no further consideration is required in respect of the claims set out in the present writ petition. When the petitioner has not established that she is senior, consideration of further grounds would not arise at all. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1.The Commissioner of Revenue Administration/
Principal Secretary to the Government,
Government of Tamil Nadu, Revenue Department,
Secretariat, Chennai-600 009.

2.The District Collector,
Thoothukudi District, Thoothukudi.

+1 CC to M/s.B. VINOTH KUMAR, Advocate (SR-19051[F] dated 18/04/2022)

+1 CC to M/s.SPL.GP. (SR-18996[F] dated 18/04/2022)

+1 CC to M/s.A.D. GANESHA MOORTHY, Advocate (SR-19292[F] dated 19/04/2022)

W.P.(MD) No.23046 of 2021

13.04.2022

RK(16/05/2022) 2P 6C