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WP.No.30503/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.08.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.30503/2019 & WMP.Nos.30535 & 30537/2019

S.Manimaran

... Petitioner

Versus

- 1.State of Tamil Nadu
rep.by the Principal Secretary
to Government, Adi Dravidar
and Tribal Welfare Department
Fort St George, Chennai 600 009.
- 2.The Director
Adi Dravidar Welfare Department
Chepauk, Chennai 600 005.
- 3.The Director
Tribal Welfare Department
Chepauk, Chennai 600 005.
- 4.Mr.K.Prabhu
B.T.Assistant [Maths]
Government Tribal Residential
Higher Secondary School
Vazhavandha Nadu, Kollimalai Taluk
Namakkal District.

... Respondents



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Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned original impugned proceedings issued by the 2nd respondent in Na.Ka.No.O1/19355/2019 dated 15.10.2019 for inter departmental transfer of 4th respondent and the consequential proceedings issued by the 2nd respondent in Na.Ka.No.O1/19355/2019 dated 15.10.2019 for transfer the petitioner to B.T.Assistant [Tamil] in Government ADW High School, Palapatti, Namakkal District and to quash the same and consequently directing the respondents to restore the petitioner in the original place, viz., Government Adi Dravidar Boys Hostel in the post of Tutor/Warden.

For Petitioner	:	Mr.S.Nedunchezhiyan
For Respondents	:	Mr.K.Surendran, AGP for RR 1 to 3 Mr.S.Viswanathan for M/s.Dass&Viswa Associates

ORDER

- (1) The writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to the impugned proceedings and the consequential order dated 15.10.2019 respectively, passed by the 2nd respondent herein/Director, Adi Dravidar Welfare Department, at Chennai, by which orders the petitioner was transferred to the



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Government Adi Dravidar Welfare High School, Palapatti, Namakkal District, as B.T.Assistant [Tamil] and to quash the same and to direct the respondents to restore the petitioner in the original post namely, in the post of Tutor/Warden in the Government Adi Dravidar Boys Hostel.

- (2) The petitioner, after bifurcation of Adi Dravidar Welfare and Tribal Welfare Department into Adi Dravidar Welfare Department and Tribal Welfare Department, was transferred from the Government Adi Dravidar Boys Hostel, Rajapalayam, where he was working as Tutor/Warden to the Government Adi Dravidar Welfare High School, Palapatti, as B.T.Assistant Teacher.
- (3) The main claim of the petitioner was that this transfer was only to accommodate the 4th respondent who was then posted in the place of the petitioner. A learned Single Judge, while examining the entire issue, had granted an order of interim stay on 31.10.2019. By the time the interim stay was granted, the transfer had been put into effect. The petitioner, had to then file a contempt petition and subsequently, the learned counsel states that orders have been passed



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reinstating the petitioner on 13.12.2019 and re-transferring the petitioner back to the Government Adi Dravidar Boys Hostel at Rajapalayam, as Tutor/Warden.

- (4) Effectively, the relief of the petitioner has been granted. An order in this regard had been passed as stated, on 13.12.2019 in Na.Ka.No.O1/20933/2019. A copy had been produced by the learned Additional Government Pleader.
- (5) In view of that particular fact, no further issue arises for consideration in this writ petition. The respondents have re-transferred the petitioner back to the School effectively granting the relief of the petitioner herein.
- (6) The only issue which now the learned counsel for the petitioner states is that there should be an entry in the Service Records about the continuity in service and that there should not be any break in service in between these two transfers effected on the petitioner herein. If the records reveal any break in service and if it is indicated to the petitioner, the petitioner may give a representation and point out the orders of the High Court and the order in the contempt petition and



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the consequential order, re-transferring the petitioner herein back to the Hostel where he was originally working and seek that there should be continuity in service. I am confident that such issue would be addressed in its proper perspective by the respondents.

(7) The writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

18.08.2023

AP

Internet : Yes

To

- 1.The Principal Secretary
to Government, State of Tamil Nadu
Adi Dravidar and Tribal Welfare Department
Fort St George, Chennai 600 009.
- 2.The Director
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C.V.KARTHIKEYAN, J.,

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