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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.711 of 2023
W.M.P(MD).Nos.713 to 715 of 2023

V.Vijaya ... Petitioner

Vs.

1. The District Collector,
   Kanyakumari District,
   Nagercoil.

2. The District Collector,
   Tirunelveli District,
   Tirunelveli.

3. The Tahsildar,
   Cheranmahadevi Taluk Office,
   Cheranmahadevi,
   Tirunelveli District.

4. The Inspector of Police,
   District Crime Branch,
   Tirunelveli District. ... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order in Na.Ka.A1/17695/2021 dated 16.12.2022 passed by the 2nd Respondent and quash the same and consequently direct the Respondents 2 and 3 to implement the proceeding in order No.(A3)/19256/2022 dated 22.09.2022 passed by the 1st respondent within a stipulated period as framed by this Court.

For Petitioner : Mr.C.Saravana Kumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

O R D E R

This Writ Petition has been filed to call for the records pertaining to the impugned order in Na.Ka.A1/17695/2021 dated 16.12.2022 passed by the 2nd Respondent, quash the same and consequently, direct the respondents 2 and 3 to implement the proceeding in order No.(A3)/19256/2022 dated 22.09.2022 passed by the 1st respondent within a stipulated period as framed by this Court.

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2. The case of the petitioner is that the petitioner joined as Village Assistant in Umayammalpuram Village, Cheranmahadevi Taluk, Tirunelveli District in the year 2007. In the year 2022, she applied for promotion to the post of Village Administrative Officer. Based on her qualification and seniority, the first respondent vide proceedings in Order No. (A3)/19256/2022 dated 22.09.2022, had passed an order to promote her as Village Administrative Officer at Perunchani Village, Padmanabhapuram Revenue Division, Kanyakumari District. By following the said order, the second respondent issued the proceedings in Na.Ka.No.A1/17695/2021 dated 18.11.2022 directing the 3rd respondent herein to relieve the petitioner from the post of Village Assistant for the purpose to join the promoted post of Village Administrative Officer at Perunchani Village. However, the third respondent failed to relieve the petitioner on the ground that the petitioner has obtained anticipatory bail in Crl.M.P.No.1262 of 2019 before the District Court, Tirunelveli. Though the petitioner is not an accused in Crime No.39 of 2018, based on the advise of the legal opinion, the petitioner and her husband obtained anticipatory bail, based on which, the present

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impugned order has been passed withholding the transfer order of the petitioner in the promotional post. Challenging the same, the petitioner has made a representation on 23.12.2022 to the 3rd respondent. However, the same has not been considered. Hence, challenging the impugned order, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that as against the impugned order, the petitioner has made a representation to the 3rd respondent on 23.12.2022. Hence, this Court may issue a direction to the 3rd respondent to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law within the time fixed by this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the

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impugned order passed by the 2nd respondent, directs the 3rd respondent to consider the representation of the petitioner dated 23.12.2022 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

11.01.2023

NCC:Yes/No
Index : Yes / No
Speaking Order : Yes / No

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