



DATED : 19.03.2024

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

and

W.P.(MD) No.11775 of 2021:

... Petitioner

Vs.

3.The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.

... Respondents



W.P.(MD) Nos.11775, 11776 and 11867 of 2021

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Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari, to call for records pertaining to the impugned order of reversion in Na.Ka.No.A3/30588/2017-3 dated 01.07.2021 on the file of the Respondent No.3 and quash the same as illegal.

For Petitioner : Mr.S.Louis

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

W.P.(MD) No.11776 of 2021:

M.Rani ... Petitioner

Vs.

1.The Secretary,
The State Government of Tamil Nadu,
Adi Dravidar & Tribal Welfare Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai.

3.The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.

... Respondents



W.P.(MD) Nos.11775, 11776 and 11867 of 2021

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Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari, to call for records pertaining to the impugned order of reversion in Na.Ka.No.A3/30588/2017-4 dated 01.07.2021 on the file of the Respondent No.3 and quash the same as illegal.

For Petitioner : Mr.S.Louis

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

W.P.(MD) No.11867 of 2021:

G.Iganacy ... Petitioner

Vs.

1.The Secretary,
The State Government of Tamil Nadu,
Adi Dravidar & Tribal Welfare Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai.

3.The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.



W.P.(MD) Nos.11775, 11776 and 11867 of 2021

4.M.Radhakrishnan

... Respondents

***[R4-impleaded vide Court order dated
20.09.2021 in W.M.P.(MD) No.11720 of
2021 in W.P.(MD) No.11867 of 2021]***

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari, to call for records pertaining to the impugned order of reversion in Na.Ka.No.A3/30588/2017-1 dated 01.07.2021 on the file of the Respondent No.3 and quash the same as illegal.

For Petitioner	:	Mr.S.Louis
For RR1 to 3	:	Mr.D.Sasikumar Additional Government Pleader
For R4	:	Mr.K.Gurunathan

COMMON ORDER

In all these writ petitions, the petitioners challenge the identical impugned orders dated, 01.07.2021, passed by Respondent No.3 reverting the petitioners from the post of Graduate Warden to the post of Secondary Grade Warden. Hence, all these writ petitions are heard together and are being disposed of by this common order.



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2.1. In order to better appreciate the matter, it is necessary to set out certain background facts leading to the filing of these writ petitions and the same are as under:

2.2. The petitioners herein were initially appointed as Secondary Grade Warden and their cases were considered for promotion in the year 2009 and through proceedings in Na.Ka.No.A3/14671/2008, dated 27.02.2009, the petitioners were promoted to the post of Graduate Warden. The said promotion was challenged by one T.Ravikumar on the ground that the petitioners herein do not possess the requisite qualification of B.Ed., for promotion to the post of Graduate Warden by filing W.P.(MD) No.5475 of 2010 and the said writ petition was allowed by a learned Single Judge of this Court by order dated 04.01.2013 setting aside the promotion order and by declaring that the petitioners herein, who were shown as Respondents No.4, 5 and 3 respectively in the said writ petition, are not eligible to the post of Tutor-cum-Warden. The relevant paragraph No.11 of the said order reads as under:

“11.From the foregoing discussion, I have no difficulty to come to the conclusion that the respondents 3 to



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7 are not at all eligible to the post of Tutor-cum-Wardens and therefore, the impugned order promoting them as Tutor-cum-Wardens is liable to be set aside.”

2.3. The said order of the learned Single Judge was appealed against in W.A.(MD) No.71 of 2014. A learned Division Bench of this Court, confirmed the order of the learned Single Judge by judgment dated 07.07.2017. Thereafter, the petitioners were reverted from the post of Tutor-cum-Warden (B.T.Tamil Pandit) to the post of Secondary Grade Warden through proceedings in Na.Ka.No.Ei3/30588/2017, dated 24.07.2017.

2.4. The petitioners herein, aggrieved by the said proceedings dated 24.07.2017, approached this Court by filing W.P.(MD) Nos.19900 to 19903 of 2017 and the said writ petitions were withdrawn by the petitioners with liberty to submit a representation before Respondent No.3 and this Court by an order dated 27.10.2017, dismissed the said writ petitions while permitting the petitioners to submit a representation as sought by them and directed for consideration of the said representation. However, the learned Single Judge



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while disposing of the said writ petitions, directed the respondents to dispose of the representations of the petitioners on or before 03.11.2017 and further directed not to give effect to the impugned order therein dated 24.10.2017 till the disposal of the representations. There upon, Respondent No.3 issued another proceedings dated 24.11.2017, promoting the petitioners to the post of Graduate Warden with effect from the date of they acquiring the qualification of B.Ed.

2.5. The said proceedings dated 24.11.2017 was once again challenged before this Court by one Mr.M.Radhakrishnan and another by filing W.P.(MD) Nos.22276 and 22277 of 2018. A learned Single Judge of this Court, by an order dated 25.11.2019, allowed the said writ petitions duly setting aside the order dated 24.11.2017 and further directed the respondents therein to prepare the seniority list as per the order passed by this Court in W.P.(MD) No.19900 of 2017 and batch. The said order of the learned Single Judge was appealed against in W.A.(MD) Nos.105 and 106 of 2020 before a learned Division Bench of this Court. The learned Division Bench of this Court though initially passed an order of *status quo* with regard to reversion



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of the petitioners herein, disposed of the said writ appeals taking note of the orders impugned in these writ petitions and granted liberty to the petitioners herein to challenge the orders impugned in these writ petitions.

3. From the above facts, it is clear that the promotion order that was issued in favour of the petitioners herein in the year 2009 were set aside by this Court and the subsequent promotion orders that were issued in favour of the petitioners on 24.11.2017 were also stood set aside by virtue of the orders passed in W.P.(MD) Nos.22276 and 22277 of 2018, by order dated 25.11.2019. The said order of the learned Single Judge has become final. As the promotion orders that were issued in favour of the petitioners herein on two occasions, that is, in the year 2009 through proceedings dated 27.02.2009 and the subsequent promotion orders dated 24.11.2017 were set aside by this Court, the petitioners who were promoted to the post of Graduate Warden by virtue of the proceedings dated 24.11.2017 would automatically stand reverted to the original post of Secondary Grade Warden. Practically, there is no necessity for the third respondent to issue the impugned proceedings dated 01.07.2021 reverting the petitioners to the post of Secondary Grade Warden



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from the post of Graduate Warden. However, for the reasons best known Respondent No.3 has issued the impugned proceedings purported to be by implementing the order of the learned Single Judge passed in W.P.(MD) Nos. 22276 and 22277 of 2018.

4. Learned counsel for the petitioners tried to contend that B.Lit., qualification was treated as equivalent to B.Ed., in all districts in the State of Tamil Nadu and various candidates were promoted to the post of Graduate Warden/B.T.Assistant by treating the said B.Lit., qualification as equivalent to B.Ed., and as the petitioners herein are possessing the qualification of B.Lit., right from the year 2009, they are entitled to be continued in the promotional post without any condition. It is also further contended that the petitioners herein have acquired the B.Ed., qualification after the year 2013 and therefore, the question of reverting them to the post of Secondary Grade Warden does not arise and they are entitled to be continued in the post of Graduate Warden. He also further contended that several juniors to the petitioners herein who acquired B.Ed., qualification much later than the petitioners herein were promoted to the post of Graduate Warden and they



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have been continuing as such. Thus, it is contended that the petitioners herein also equally entitled to be continued in the promotional post of Graduate Warden.

5. This Court has carefully considered the submissions made by the learned counsel for the petitioners.

6. It is not in dispute that the impugned orders are issued pursuant to the order passed by the learned Single Judge of this Court in W.P.(MD) Nos.22276 and 22277 of 2018. By virtue of the said orders of the learned Single Judge, the petitioners herein stood automatically reverted to the post of Secondary Grade Warden and they cannot be treated as persons continuing in the promotional post, as the proceedings through which the petitioners were promoted to the post of Graduate Warden were set aside by this Court. Even in the absence of the impugned orders passed by Respondent No.3 also, the status of the petitioner would be Secondary Grade Warden only, but not the post of Graduate Warden.



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7. Then coming to the other aspects of the qualification of B.Lit., being treated as equivalent to B.Ed., and the said qualification of B.Lit., is treated as qualification for the post of Graduate Warden in other Districts are concerned, no material is placed in support of the said contention. Even if there is any material and the same being the fact also, an illegality committed in other Districts cannot be claimed as a matter of right by approaching this Court under Article 226 of the Constitution of India. Admittedly, B.Ed., is the qualification that is required to be possessed by the petitioners for promotion to the post of Graduate Warden/Tutor-cum-Warden. Admittedly, the petitioners did not possess the qualification till the year 2013. Yet another contention, that the juniors of the petitioners, who are also similarly situated and they have been continuing in the promotional post is concerned, there is no challenge to such promotions, nor any such material is placed before this Court to satisfy that juniors to the petitioners under similar circumstances are being continued in the promotional post. Even if there is any such material placed also, in the absence of any challenge to such promotional order, this Court cannot interfere in all such promotions, nor extend the similar benefit to the petitioners.



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8. All the above contentions raised by the learned counsel for the petitioners deserve no consideration in these writ petitions, as the impugned reversion orders are only consequential orders passed in terms of the order passed by this Court as noted above.

9. In the light of the above, this Court does not find any merit in these Writ Petitions and they are accordingly dismissed with costs of Rs. 5,000/- (Rupees Five Thousand only) each.

10. However, it is made clear that if the petitioners are of the view that on acquiring the qualification of B.Ed., they are entitled for promotion, they are entitled to make such a claim in accordance with law. This order will not come in the way of the respondents considering the case of the petitioners for promotion to the post of Graduate Warden, if they are otherwise qualified and come within the zone of consideration.

11. As the order passed in W.P.(MD) Nos.22276 and 22277 of 2018 are successfully circumvented and not given effect to till now, though the said



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orders were passed as early as on 25.11.2019, this Court is of the considered view, that it is the duty of this Court to see that the orders passed by this Court are implemented and accordingly, the respondents are directed to see that the said order is given effect forthwith and the petitioners report to their original post within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

19.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar & Tribal Welfare Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai.



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MUMMINENI SUDHEER KUMAR, J.

ABR

3.The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.

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and 11867 of 2021**

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