



W.P.(MD)No.14508 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14508 of 2024
and W.M.P(MD).No.12743 of 2024

S.Pandiaraj

... Petitioner

Vs.

1.State of Tamil Nadu,
rep., by its Secretary to the Government,
Adi Dravidar & Tribal Welfare Department,
Fort St., George, Chennai-9.

2.The Director of Adi Dravidar Welfare,
Ezhilagam, Chennai -5.

3.The District Adi Dravidar and Tribal Welfare Officer,
O/o., The District Adi Dravidar and Tribal Welfare Office,
Pudukkottai District.

4.The District Adi Dravidar and Tribal Welfare Officer,
O/o., The District Adi Dravidar and Tribal Welfare Office,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.02/9507/2024 dated 14.06.2024 on the file of the respondent No.2 and the consequential impugned order in Na.Ka.No.Q5/23339/2022 dated 19.06.2024 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, directing the



W.P.(MD)No.14508 of 2024

respondents 2 to 4 to permit the petitioner to discharge the duty in the post of B.T.Warden at Govt Adi Dravidar Welfare Hostel, Virudhunagar, Virudhunagar District within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.N.Ramesh Arumugam

Government Advocate

ORDER

Challenging the orders of the 2nd respondent dated 14.06.2024 and the 3rd respondent dated 19.06.2024, this Writ Petition is filed with a direction to the respondents 2 to 4 to permit the petitioner to discharge the duty in the post of B.T.Warden at Government Adi Dravidar Welfare Hostel, Virudhunagar, Virudhunagar District within the time period that may be stipulated by this Court.

2. The learned counsel for the petitioner submitted that the petitioner has been originally working as Secondary Grade Teacher at Government Adi Dravidar Welfare School, Ennai, Pudukkottai District and thereafter, he was promoted to the post of Primary School Headmaster at Government Adi Dravidar Primary School, Neduvasal, Pudukkottai District. Subsequently, he



W.P.(MD)No.14508 of 2024

was promoted to the post of B.T. Assistant Mathematics at Government Adi Dravidar High School, Ennai, Pudukkottai District, on 12.01.2023. In the meanwhile, one K.Latha has filed a petition in W.P.No.5239 of 2023 against her transfer on account of promotion from the above mentioned school. The said Writ Petition was disposed of, after hearing both the parties, on 25.03.2024, wherein it was stated as follows:

“.....

5. In view of the above, the order of promotion of the 4th respondent as B.T.Assistant (Maths) dated 12.01.2023 cannot be sustained and it is liable to be set aside. Subsequently, the order of transfer of the petitioner cannot be sustained and liable to be quashed. Accordingly, the impugned proceedings passed by the 2nd respondent dated 03.01.2023 and the consequential orders passed by the 3rd respondent dated 12.01.2023 are quashed. The 3rd respondent is directed to relieve the 4th respondent from the post of B.T. Assistant (Maths) from the Adi-Dravidar Welfare High School, Yennai, Pudukottai District and permit the petitioner to join as B.T.Assistant (Maths) in the Government Adi-Dravidar Welfare High School, Yennai, Pudukottai District forthwith. Further, the 3rd respondent is directed to promote and post the 4th respondent in the post of B.T. Assistant (Maths) whenever vacancy arises in future. The learned counsel for the 4th respondent submitted that there is a vacancy of B.T. Assistant Maths/Warden in the Virudhunagar District, Adi-Dravidar Welfare Department.



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W.P.(MD)No.14508 of 2024

Therefore, the 2nd respondent is directed to transfer the 4th respondent on his request to the Virudhunagar District and accommodate him in the said vacancy.

.....”

3. Pursuant to the above order, the petitioner was posted as B.T.Warden at Government Adi Dravidar Welfare Hostel, Virudhunagar, Virudhunagar District, vide order dated 11.06.2024. However, subsequent to the said order, the 2nd respondent has issued the proceedings on 14.06.2024, reverting the petitioner to the post of Primary School Headmaster, Neduvasal, Pudukkottai District, stating that insofar as the B.T.Assistant post is concerned, only district-wise seniority is adopted and hence, promotion can be granted only within the district, which is impugned in this Writ Petition.

4. The learned counsel for the petitioner further submitted that the above proposition observed by the authority is against the principal of law and the same is passed without affording any opportunity of hearing to the petitioner.

5. Mr.N.Ramesh Arumungam, learned Government Advocate for the respondents submitted that the cancellation of the petitioner's promotion occurred only because there is no provision to grant promotion by posting a



W.P.(MD)No.14508 of 2024

person from one district to another district and such promotion can be given only within district.

6. In such case, the respondents ought to have clarified the position, instead of passing the impugned order without even giving any opportunity to the petitioner.

7. At this juncture, the learned counsel for the petitioner submitted that even in the District of Pudukkottai, there are four vacancies available and hence, the petitioner need not be reverted and he could be very well accommodated in the District of Pudukkottai itself.

8. In view of the above stated reasons, this Writ Petition is disposed of and the impugned order in Na.Ka.No.02/9607/2024, dated 14.06.2024 passed by the 2nd respondent and consequential order in Na.Ka.No.Q5/23339/2022, dated 19.06.2024 passed by the 3rd respondent are hereby set aside. The second respondent is directed to pass appropriate order in this case taking into consideration the vacancy available in Pudukkottai District , after issuing notice to the petitioner, without affecting the benefits, which had accrued to the petitioner pursuant to the promotion order already given based on the order



W.P.(MD)No.14508 of 2024

made in W.P.No.5239 of 2023, within a period of four weeks from the date of

receipt of a copy of this order. No costs. Consequently, connected

Miscellaneous Petition is closed.

03.07.2024

NCC:yes/no

Index:yes/no

Rmk

To

- 1.The Secretary to the Government,
Adi Dravidar & Tribal Welfare Department,
Fort St., George, Chennai-9.
- 2.The Director of Adi Dravidar Welfare,
Ezhilagam, Chennai -5.
- 3.The District Adi Dravidar and Tribal Welfare Officer,
O/o., The District Adi Dravidar and Tribal Welfare Office,
Pudukkottai District.
- 4.The District Adi Dravidar and Tribal Welfare Officer,
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W.P.(MD)No.14508 of 2024

R.N.MANJULA, J.

Rmk

W.P.(MD)No.14508 of 2024

03.07.2024