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W.P.No.7454 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 17.07.2025	Delivered on 23.07.2025
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CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE K.SURENDER

W.P.No.7454 of 2025
and
W.M.P.No.8339 of 2025

1.N.Annapoornam
2.V.Aarthi
3.R.Rajitha

... Petitioners

Vs.

1.The Registrar General,
High Court of Madras,
Chennai – 600 104.

2.The Registrar,
District Judiciary,
High Court of Madras,
Chennai – 600 104.

3.The District Judge,
Nagapattinam District,
Nagapattinam – 611 001.



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4.The District Judge,
Mayiladuthurai District,
Mayiladuthurai – 609 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 2nd respondent in R.O.C.No.34362-D/2023/C1 dated 21.12.2024 and quash the same and direct the respondents 1 and 2 re-transfer and post the petitioners in Mayladuthurai District.

For Petitioners : Mr.P.Rajendran

For Respondents : Mr.Arjun Suresh

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge is to the order of the Principal District Judge, Nagapattinam dated 31.01.2024 posting the petitioners at Thirukkuvalai in Nagapattinam District.



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2. It is the claim of the petitioners that they were working as Grade -

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III Bench Clerk, in various Courts in Nagapattinam District and when a proposal to bifurcate Nagapattinam District and create a new District of Mayiladuthurai was put in place, they had exercised their options to stay in Mayiladuthurai District during March 2023. It is their grievance that despite their exercising options and despite the fact that they are seniors, they have been retained in Nagapattinam District and their juniors have been transferred to Mayiladuthurai District. While District bifurcation takes place and new District is created, options are obtained from the employees and they are assigned either to new District or old District depending upon their seniority.

3. Upon bifurcation of Nagapattinam and Mayiladuthurai Districts separate seniority lists were drawn on 01.04.2024. The 1st petitioner was promoted as Grade-II Bench Clerk on 27.03.2023 and thereafter as a Deputy Nazir on 01.02.2024. She had accepted the promotions also. When the Districts were bifurcated and actual postings were made, the 1st petitioner being a junior in the post of Deputy Nazir was not considered for posting at



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Mayiladuthurai District. It is the claim of the 1st petitioner that she should have been considered on the date on which she had exercised option as she was senior in the cadre of Grade-III Bench Clerk.

4. We do not think we could agree with the said submission. Even before the actual bifurcation took place, the 1st petitioner was promoted as Grade - II Bench Clerk on 27.03.2023 and further promoted as Deputy Nazir on 01.02.2024. She was admittedly a junior in the post of Deputy Nazir, therefore, her claim was not considered.

5. As regards the other two petitioners they were working as Assistants equivalent to Grade - III Bench Clerk. They are at positions 18 and 19 in the seniority list dated 31.03.2024. It is not shown that their juniors were retained at Mayiladuthurai and they were transferred to Nagapattinam. Though they were working at Mayiladuthurai since they were juniors in the cadre of Assistant they could not be accommodated in Mayiladuthurai due to want of vacancies and hence they were moved to Nagapattinam District. Therefore, the claim of the petitioners cannot be countenanced.



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6. The learned counsel for the petitioners would however submit that in view of the directions contained in the proceedings of the Registrar General dated 05.04.2023 to the effect that persons who have been posted in the Districts against their option can be re-posted to the Districts of their choice as per their option, they should be transferred to Mayiladuthurai in the future vacancies. We are afraid that this prayer cannot be granted straight away. Upon bifurcation each District Unit becomes separate and inter District Transfer are not permitted except in terms of Rule 40(a) of the Tamil Nadu Judicial Ministerial Service Rules.

7. We are therefore unable to interfere with the orders of the learned Principal District Judge, Nagapattinam. However, liberty is given to the petitioners to seek a transfer under Rule 40(a) of the Tamil Nadu Judicial Ministerial Service Rules and whenever such application is made, we direct the Registrar, District Administration to consider the same as expeditiously as possible.

8. This Writ Petition is **disposed of** with the above observations. No



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costs. Consequently, the connected miscellaneous petition is closed.

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(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
23.07.2025

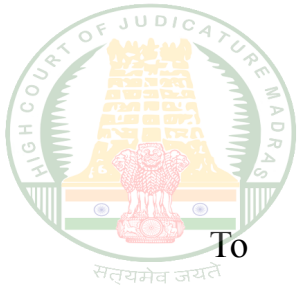
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Index : No

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Speaking order



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and
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