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W.P.Nos.9987 & 9250 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.Nos.9987 & 9250 of 2025
and
W.M.P.Nos.11194, 11196, 10366, 10368 & 10369 of 2025

W.P.No.9987 of 2025:

S.Krishnaveni

... Petitioner

Vs.

1.The High Court of Madras,
Rep. by its Registrar General,
Parrys, Chennai – 600 104.

2.The Principal District and Sessions Judge,
District Court,
Tirunelveli.

...Respondents



W.P.Nos.9987 & 9250 of 2025

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Prayer in W.P.No.9987 of 2025: 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 first impugned order issued by the 2nd respondent in proceedings Order A.No.68/2025 dated 31.01.2025, D.No.1397/A1/2025 dated 03.02.2025 and the subsequent 2nd impugned order issued by the 2nd respondent in proceedings A1.R.No.2527/2025, dated 05.02.2025 and the order dated 07.02.2025 to quash these orders and to consequently direct the respondents to absorb the petitioner in the Tenkasi District with effect from the date on which her juniors were absorbed in Tenkasi District with all consequential service and monetary benefits.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.Arjun Suresh

Assisted by Mrs.N.K.Kanthimathi

W.P.No.9250 of 2025:

N.Rathika

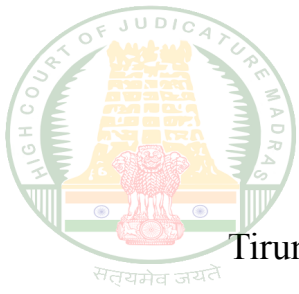
... Petitioner

Vs.

1.The High Court of Madras,
Rep. by its Registrar General,
Parrys, Chennai – 600 104.

2.The Principal District and Sessions Judge,
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Tirunelveli.



W.P.Nos.9987 & 9250 of 2025

...Respondents

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Prayer in W.P.No.9250 of 2025: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the 1st impugned order issued by the 2nd respondent in proceedings Order A.No.51/2025 dated 27.01.2025, D.No.A1/1014/2025 dated 27.01.2025 and the subsequent 2nd impugned order issued by the 2nd respondent in proceedings A1.R.No.2106/2025, dated 31.01.2025 in order dated 01.02.2025 and the 3rd impugned order issued by the 2nd respondent in A1.R.No.2590/2025, dated 07.02.2025 and in order dated 17.02.2025 and to quash these orders and to consequently direct the respondents to absorb the petitioner in the Tenkasi District with effect from the date on which her juniors were absorbed in Tenkasi District with all consequential service and monetary benefits.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.Arjun Suresh



W.P.Nos.9987 & 9250 of 2025

COMMON ORDER

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

Challenge in these Writ Petitions is to the order of the Principal District Judge, Tirunelveli returning the applications of the petitioners for transfer from Tirunelveli to Tenkasi District.

The background facts are as follows:-

2. Tenkasi District was carved out of Tirunelveli District in the year 2022. The staffs working in combined Districts of Tirunelveli and Tenkasi were required to furnish their options and both the petitioners exercised their option to work in Tenkasi District. Upon constitution and inauguration of new Courts on 13.01.2024, the administrative control of Tenkasi District vested in the Principal District Judge of Tirunelveli expired on 31.01.2025. The Principal District Judge, Tirunelveli passed the impugned proceedings on 03.02.2025 rejecting the request of transfer of certain staff members from Tirunelveli to Tenkasi. Contending that the petitioners who are seniors are entitled to preference over the juniors who had exercised their options to go to Tenkasi District, the petitioners have come up with these Writ Petitions.



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3. In so far as the petitioner in W.P.No.9987 of 2025 is concerned she was appointed as Typist on 03.10.2016 at Nilgiris District. She exercised an option to be transferred to Tirunelveli District and an order was passed by the Registrar General transferring her to Tirunelveli District on 30.06.2022. The posting orders were issued by their Principal District Judge on 09.09.2022. She was relieved from from the Nilgiris on 16.09.2022 and she joined at Sankarankovil in Tirunelveli District on 19.09.2022. She was transferred to Sengottai on 06.04.2023 and again to Tenkasi on 14.11.2024. On 27.01.2025 she was moved to Additional District Court, Tirunelveli.

4. The petitioner in W.P.No.9250 of 2025 was appointed on 20.03.2019 at the Nilgiris District as Typist and she was moved to Tirunelveli on 19.09.2022. The practice that is adopted by the Registrar, District Judiciary during bifurcation of Districts is to seek options from the employees and all the employees had exercised their options to go to a particular District. The transfers were effected on the basis of seniority.

5. When the process of bifurcation was on, on 09.07.2024, the



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Registrar, District Judiciary of this Court effected certain inter-District transfers under Rule 40(a) of the Tamil Nadu Judicial and Ministerial Service Rules and at least 7 persons were transferred to Tenkasi. As per Rules, upon inter-District Transfer, the employee who is transferred will be placed at the last position in the seniority. Taking into account these 7 transfers effected, the Principal District Judge, Tirunelveli had concluded that there were no vacancies in Tenkasi District and therefore the petitioners could not be transferred to Tenkasi, despite they having exercised their option.

6. As we had already said both the petitioners joined in Tirunelveli District on 19.09.2022. The other 7 persons who were transferred invoking Rule 40(a) of the Rules went to Tenkasi District only on 09.07.2024. The petitioners were serving in the combined District of Tirunelveli, so when transfers are effected on the basis of the options exercised by them, their seniority is preserved, but, for the transfers effected under Rule 40(a) of the Tamil Nadu Judicial Ministerial Service Rules, the petitioners would have joined at Tenkasi as they are seniors. It is because of Rule 40(a) transfers



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which were effected during the process, there was no vacancy for the petitioners. This unfortunate situation had happened because of the absence of coordination while effecting transfers under Rule 40(a).

7. In order to protect the interests of the petitioners, we had on 01.04.2025 directed that no further appointments shall be made to the post of Typist in Tenkasi District as we were informed that TNPSC had already sent the select list of two candidates to be appointed at Tenkasi District. We find that the orders of the Principal District Judge impugned in the Writ Petitions cannot be sustained for the sole reason that the petitioners who are seniors should have been allowed to go to Tenkasi as per the options exercised by them. The persons who had been transferred under Rule 40(a) of the Rules will have to be definitely placed as juniors to the petitioners if the District had not been bifurcated.

8. Therefore, we set aside the orders of the learned Principal District Judge, Tirunelveli dated 03.02.2025 and 27.01.2025 respectively, in so far as



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the petitioners are concerned. We are informed that at present there are two vacancies in Tenkasi and two persons have been sponsored by the TNPSC for being appointed as a Typists at Tenkasi. We do not want to disturb those persons who are already working in Tenkasi. In the normal course we should have directed transfer of two of the junior most persons working at Tenkasi to Tirunelveli and directed the petitioners to be accommodated in those two posts. Since there are two vacancies now we do not propose to disturb the persons who are serving at Tenkasi as of today.

9. Hence, we direct the Principal District Judge, Tenkasi to appoint two new candidates sponsored by TNPSC at Tenkasi. Upon such appointment, they will be transferred by the Registrar, District Judiciary to Tirunelveli. Both the petitioners will be posted at Tenkasi in the vacancies that are created by the transfer of two new incumbents to Tirunelveli.

10. The Writ Petitions will stand **allowed** with the directions above. The orders impugned dated 03.02.2025 and 27.01.2025 respectively will



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stand set aside. The Registrar, District Judiciary shall ensure that the directions above are complied with within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

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

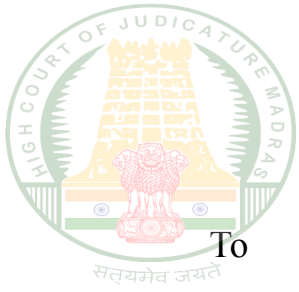
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Index : No

Internet : Yes

Neutral Citation : No

Speaking order



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To

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Tirunelveli.



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R.SUBRAMANIAN, J.
and
K.SURENDER, J.

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