



WP(MD)No.22344 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.22344 of 2021
and
WMP(MD)Nos.18920 to 18923 of 2023**

1.C.K.Asha

2.S.Jeyabharathi

3.K.Deepa

... Petitioners

Vs

1.The State of Tamil Nadu,
Represented by tis Additional Chief Secretary,
Adi Dravidar & Tribal Welfare Department,
Fort St.George,
Chennai -9.

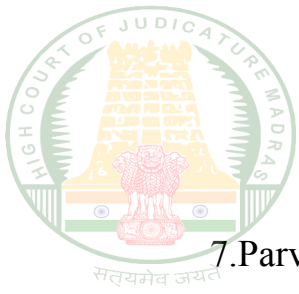
2.The Commissioner of Adi Dravidar Welfare,
Ezhilagam, Chennai – 5.

3.The District Adi Dravidar and Tribal Welfare Officer,
Office of the District Adi Dravidar and
Tribal Welfare Officer,
Virudhunagar District.

4.Ahmed Haji

5.Meenakshi

6.K.Kanagalakshi



WP(MD)No.22344 of 2021

7.Parvathi

8.Sumathi

9.K.S.Varun Sanjay

10.C.Parameswaran

11.S.Vanaja

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of declaration to declare the request transfers issued by the Respondent No.3 in favour of the Respondent No.5 to 8 before conducting surplus transfer counseling for Secondary Grade Teachers/Wardens in respect of Government Adi Dravidar Primary Schools and Hostels in Virudhunagar District and the consequential surplus transfer counseling conducted on 08.12.2021 by the Respondent No.2 as illegal and for a direction, directing the Respondent No.1 to conduct Promotion Counseling for the Post of Middle School Headmasters, BT Assistants Primary School Headmasters and thereafter conduct surplus transfer counseling in the resultant vacancies for Secondary Grade Teachers/Wardens in respect of Government Adi Dravidar Primary Schools and Hostels in Virudhunagar District by adopting the General Transfer Counselling guidelines issued by the School Education Department from time to time and in the light of the Government Order in GO.Ms.No.156, Adi Dravidar and Tribal Welfare Department dated 13.10.2005 within the time period stipulated by this Court.



WEB COPY



WP(MD)No.22344 of 2021

For Petitioner : Mr.Aswin Rajasimhan
for M/S.Lajapathiroy Associates
For Respondent : Mr.G.V.Vairam Santhosh,
Nos.1 to 3 Additional Government Pleader

ORDER

The petitioners are Secondary Grade Teachers in the government Adi Dravidar Boys hostels located in different places in Virudhunagar District. They have filed this writ petition seeking a relief of declaration to declare the request transfer order passed the 3rd respondent in favor of respondent Nos.5 to 8, before conducting surplus teachers counselling for Secondary Grade Teachers, as illegal.

2. The specific case of the petitioners is that though the 10th respondent was not declared as surplus, who was working in Korukkamanpatti, was included in the list of surplus teachers. After the surplus counselling and has been transferred to Government Adi Dravidar Welfare Boys Hostel, Chinakamanpatti, Virudhunagar district, which was not a surplus post. According to the petitioner, in order to accommodate 11th respondent at Chinnakamanpatti, the 10th respondent



WP(MD)No.22344 of 2021

was working at Korukkampatti, Vridhunagar District was transferred and posted at Chinakamanpatti and later on transferred to Paralachi and in his place the 11th respondent was posted. In this process, according to the learned Counsel for the petitioners, the petitioners have been victimised.

3. When this writ petition was taken up for hearing, it was reported by the respondents that all the petitioners have been now accommodated within Virudhunagar district. However this Court was not satisfied with the reply made on behalf of the respondents, since the petitioners have made a specific allegation in paragraph No.9 of the affidavit as under :

“9. Further the respondent No.10 was also surprisingly included in the list of surplus teacher after the surplus counselling and has been transferred from Government Adi Dravidar Welfare Boys Hostel, Chinnakamanpatti, Virudhunagar district, which is not all a surplus post. Further it is also very much peculiar to state that the respondent No.10 originally was working at Government Adi Dravidar Welfare Primary School, Korukampatti, Virudhunagar District which is also a sanctioned post and was transferred only for the purpose of accommodating the respondent No.6 based on her request from other district. Within completion of 4 months



WEB COPY



WP(MD)No.22344 of 2021

of such transfer, the respondent No.10 has been once again transferred to Government Adi Dravidar Welfare Boys Hostel, Paralachi, Virudhunagar District and in his place, respondent No.11 who is the wife of the respondent No.10 has been posted in the surplus Counselling. This clearly shows the illegalities in the surplus transfer counselling conducted by the respondent No.2”

4.The above allegation has not been addressed by the respondents in their counter affidavit. Therefore, this Court by its earlier order dated 18.12.2024 directed the respondents to file an additional counter affidavit meeting out the allegations made by the petitioners as stated supra. The Additional Counter affidavit has been filed by the respondents and the relevant portions read as follows:

“4.With regard to the averments made in paragraph 9 of the affidavit, it is respectfully submitted that, the 10th respondent was working as teacher in the Government Adi Dravidar Welfare Primary School, Korukamanpatti, Virudhunagar District, which is approximately forty five kilometres away from his place of residence. He was working the aforesaid school from 18.07.2012 to 27.10.2021, without any transfer. Subsequently the department had taken conscious decision to transfer long serving wardens to schools, consequently the 10th respondent who served long duration in the school has requested transfer to Chinnakamanpatti hostel



WEB COPY



WP(MD)No.22344 of 2021

which is nearer to his residence. On his request he was transferred from the aforesaid school to the Government Adi Dravidar Welfare Boys Hostel, Chinnakamanpatti, Virudhunagar District vide proceedings No.R1/17811/2021, dated 11.08.2021

5.It is submitted that the 11th respondent was delineated as a surplus teacher in the Government Adi Dravidar Welfare Primary School, Sundarrajpapuram, Virudhunagar District. The 11th respondent had participated in the surplus teacher transfer counselling and had selected to the Government Adi Dravidar Welfare Boys Hostel, Paralachi, Virudhunagar District. Since Paralachi is above 100 kilometres far from the residence of the 11th respondent, the 10th respondent who is the husband of the 11th respondent offered to work in Paralachi in the place of his wife, the 11th respondent in this case. Based on the request, the transfer orders have been issued vice-versa by the 2nd respondent vide Proc.No.R1/6461/2021, dated 08.1.2021. In view of the above, the petitioners or any other persons have not been affected anyway by the above said transfer.”

5.This Court considered the rival submissions made and also perused the materials placed on record

6.From the materials placed on record, it appears that against the counselling guidelines the respondent Nos. 6, 10 and 11 were accommodated in Virudhunagar District. Considering the fact that these



WP(MD)No.22344 of 2021

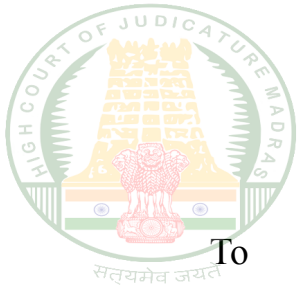
petitioners are now accommodated in Virudhunagar District, this court is not inclined to order for any probe and it would not serve any purpose.

7. When the government has issued certain guidelines with regard to the transfer and posting, it is expected from the officers to comply with the guidelines issued in this regard. Deviations from the guidelines to accommodate certain employees, it would demoralize the others. The department is expected to consider the same and ensure the transfers in future are strictly in accordance with the guidelines.

8. The writ petition is closed with the above direction. No costs. Consequently connected miscellaneous petitions are closed.

06.01.2025

DSK



WP(MD)No.22344 of 2021

To

WEB COPY

1. Additional Chief Secretary,
Adi Dravidar & Tribal Welfare Department,
Fort St. George,
Chennai -9.
2. The Commissioner of Adi Dravidar Welfare,
Ezhilagam, Chennai – 5.
3. The District Adi Dravidar and Tribal Welfare Officer,
Office of the District Adi Dravidar
and Tribal Welfare Officer,
Virudhunagar District.



WEB COPY



WP(MD)No.22344 of 2021

B.PUGALENDHI.J.,

DSK

WP(MD)No.22344 of 2021

06.01.2025