

**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**AND**

**THE HON'BLE SRI JUSTICE D.RAMESH**

**W.A.No.379 of 2020**

**ORDER :** (per the Hon'ble Sri Justice C.Praveen Kumar)

1. Assailing the orders in I.A. No.1 of 2020 in W.P.No.20043 of 2020 and I.A.No.1 of 2020 in W.P.No.20149 of 2020, wherein the learned Single Judge of this Court, while dealing with the request of the respondents/writ petitioners to declare the action of the respondents in not showing the vacancies created under G.O.Ms.No.144, Finance (HR.II) Department, dated 2.8.2016 and G.O.Ms.No.91, School Education (Services.II), which were filled up by promotion in July, 2019 and November, 2019, passed the impugned order on 2.11.2020, the operative portion of which is as under :

“Hence, this Court opines that ends of justice would be met if the respondents are directed to show all the posts created under G.O. Ms.No.144 and G.O.Ms.No.91 in the ensuing transfer counseling.”

2. Challenging the orders passed in the I.As., the present Writ Appeal came to be filed under Clause 15 of Letters Patent.

3. Sri Vijay Kumar, learned counsel appearing for the appellants, would submit that the order under challenge is bad in law for the reason that the same came to be passed without hearing the appellants. In other words, his plea is that these appellants were not even made as parties to the Writ Petition. According to him, the order impugned in the present Writ Appeal

directly affects the appellants as their posts were also directed to be shown in the ensuing transfer counseling. He further pleads that these appellants joined in the said posts only in July, 2019 and as such, any orders passed without hearing them would be violative of principles of natural justice.

4. Sri L.Ravichander, learned Senior Counsel for the respondents, would submit that no prejudice would be caused to the appellants herein, as the appellants cannot claim any right over the transfer. However, both the counsel relied upon the Division Bench judgment of this Court in support of their plea.

5. In view of the fact that the order impugned shows that all posts created in G.O.Ms.No.144 and G.O.Ms.No.91 be shown in the transfer counseling and as the appellants herein, who joined in the month of July/November, 2019 will also get affected, as their posts will be shown in the transfer counseling scheduled to be held on 14<sup>th</sup> December, 2020 and having regard to the fact that the orders came to be passed without hearing them, we feel that in the interest of justice, the order under challenge is liable to be set aside. Accordingly, the same is set aside and the matter is remitted back to the learned Single Judge to deal with the same, after hearing the appellants, who were not parties earlier. In view of the urgency expressed, we request the learned Single Judge to take up the matter, if any such request is made by the counsel for the petitioners or respondents.

6. With the above direction, the Writ Appeal is disposed of. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

---

**JUSTICE C. PRAVEEN KUMAR**

---

**JUSTICE D.RAMESH**

Date : 01.12.2020

Note : Issue C.C. in two days.  
B/O  
IS/SKMR