



W.P.(MD) No.19442 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.19442 of 2026

and

W.M.P.(MD) No.14392 of 2026

C.Jeyanthi

... Petitioner

-VS-

- 1.The Director
Directorate of Elementary
School Education
Nungambakkam
Chennai-600 006
- 2.The Chief Educational Officer
Office of Chief Educational Officer
Thoothukudi
- 3.The District Education Officer
(Elementary)
Office of District Elementary
Education Officer
Kovilpatti Taluk
Thoothukudi District
- 4.The Block Education Officer
Kovilpatti Block
Kovilpatti Taluk
Thoothukudi District

... Respondents



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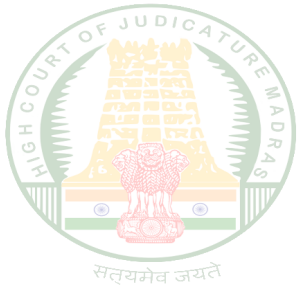
WEB COPY **PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent herein to include the vacant post of BT Assistant Science Teacher in the Panchayat Union Middle School, Kelavipatti, in the vacancy list for the present transfer counselling for the category of Graduate Teacher (BT Assistant) notified by the first respondent vide proceedings Na.Ka.No.009324/D1/2026, dated 08.06.2026, by considering the representation dated 07.07.2027.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mrs.K.Porkodi
Counsel for the Government of Tamil Nadu

ORDER

This writ petition has been filed seeking a writ of mandamus directing the third respondent herein to include the vacant post of BT Assistant (Science) existing in the Panchayat Union Middle School, Kelavipatti, in the list of vacancies being subjected to the transfer counselling for the category of Graduate Teacher (BT Assistant) pursuant to the proceedings bearing Na.Ka.No.009324/D1/2026, dated 08.06.2026, issued by the first respondent, by considering the representation dated 07.07.2026 submitted by the petitioner.



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2. When the matter came up for admission on 09.07.2026, Mrs.K.Porkodi, learned counsel for the Government of Tamil Nadu appearing for the respondents, on instructions, submitted that the said post of B.T.Assistant at Panchayat Union Middle School, Kelavipati, was already filled in *vide* proceedings bearing Na.Ka.No.011843/D1/2026, dated 30.06.2026, issued by the Joint Director of School Education, by considering the case of a widower in terms of Paragraph No.7(2)(a)(2) of the Criteria for transfer / posting issued by the Government *vide* orders in G.O.(Ms) No.176, School Education [SE5(1)] Department, dated 17.12.2021, as amended by G.O.(Ms) No.164, School Education [SE5(1)] Department, dated 11.07.2024.

3. A perusal of the Government Orders in G.O.(Ms) No.176, School Education [SE5(1)] Department, dated 17.12.2021, G.O.(Ms) No.164, School Education [SE5(1)] Department, dated 11.07.2024, would disclose that the Government, while formulating it's policy for general transfer counselling for the teachers, thought it fit to consider the case of the teachers, who lost their spouses due to accident or any other diseases in the previous academic year, as a special case and to give them preference prior to the general transfer counselling.



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4. Through the proceedings bearing Na.Ka.No.011843/D1/2026, dated 30.06.2026, issued by the Joint Director of School Education, a teacher, by name, Mr.A.Isaac Gnanaraj, B.T.Assistant (Science), who lost his wife during the previous academic year on 24.02.2026, was considered and accordingly, on his request, he was accommodated in the vacant post of B.T.Assistant existing in the Panchayat Union Middle School, Kelavipatti. This Court, having taken note of the same afforded an opportunity to the learned counsel for the petitioner to verify the same and to get instructions.

5. Today, when the matter is taken up for consideration again, learned counsel for the petitioner submitted that the said post at the Panchayat Union Middle School, Kelavipatti, is vacant as on date and no candidate has joined in the said post till date.

6. But, the transfer proceedings filling up of the post of B.T.Assistnat at the said School was issued only on 30.06.2026 and the beneficiary of the said proceedings is still having time for joining the duty in the said post. Merely because the candidate not joined in the post as on date, the same cannot be treated as vacancy, thereby to subject the same to the



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general transfer counselling. As the action of the respondents in filling up the said post *vide* proceedings bearing Na.Ka.No.011843/D1/2026, dated 30.06.2026, issued by the Joint Director of School Education, *prima facie* appears to be in accordance with the policy of the Government in connection with the transfer counselling, this Court does not see any reason to grant the relief as sought in this writ petition.

7. Accordingly, this writ petition is dismissed. However, in case if the petitioner is of the view that the action of the respondents in filling up of the said post at the Panchayat Union Middle School, Kelavipatti, is in violation of the policy of the Government or in any way affects her interest, it is open for her to take appropriate steps in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

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