

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24759 of 2015

K.Kanagavalli

.. Petitioner

- Vs -

The Chief Educational Officer,
Namakkal District, Namakkal.

.. Respondent

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the petitioner's application for transfer, by permitting her to participate in the counselling for General Transfer to be held on 12.08.2015 or any other date to be fixed, in the light of clause 5(d)(i) of G.O.(1D) No.232, School Education (Pa.Ka.5(1) Department dated 10.07.2015, to be placed at Government Boys Higher Secondary School, Mallasamuthiram, Namakkal District.

For Petitioner : Mr.R.Neelakandan

For Respondent : Mr.K.Rajendra Prasad
Government Advocate

O R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner is working as a drawing teacher in the Government Girls Higher Secondary School, Paramathi in Namakkal District and she was transferred to Government Higher Secondary School, Aniyapuram in Namakkal District vide orders of the respondent dated 18.09.2011. She challenged the said transfer order by filing a writ petition in W.P.No.22916 of 2011 and this Court entertained the said writ petition and granted stay to the transfer order and also passed an order dated 28.09.2011 directing the respondent to pay the salary. In pursuance to the said order, though the petitioner has obtained an order of stay, she was not permitted to work in the Government Girls Higher Secondary School, Paramathy, Namakkal District. Hence the petitioner has come forward to file another writ

petition in W.P.No.8984 of 2013 seeking direction to the respondent to grant permission to the petitioner to join duty as Drawing Teacher at Government Girls Higher Secondary School, Paramathi by considering her request letter dated 10.10.2011. This Court passed final orders on 03.09.2014 in W.P.No.8984 of 2013 taking note of the said submissions and disposed of the writ petition as infructuous. The petitioner also joined duty in the said school on 09.07.2014. Thereafter, she submitted an application to participate in the General Transfer Counselling to get herself transferred to the Government Boys Higher Secondary School, Mallasamuthiram, Namakkal District and her apprehension is that though the Head Master of the school in which she is working has forwarded her application to the Chief Educational Officer, Namakkal for considering her request to participate in the General Transfer Counselling the same may not be considered and therefore the petitioner had come forward to file this writ petition.

3. Heard the submissions of Mr.R.Neelakandan, learned counsel appearing for the petitioner and Mr.K.Rajendra Prasad, learned Government Advocate who accepts notice for respondent.

4. The learned counsel appearing for the petitioner has drawn the attention of this Court to G.O.(1D).No.232, School Education (Pa.Ka.5 (1)) Department, dated 10.07.2015, as well as, the letter of the Secretary to Government, School Education Department, Government of Tamil Nadu in Letter (1D).No.263, School Education Department, dated 28.07.2015 and would submit that though initially the restriction is for a period of three years once the transfer is effected but the said condition has been relaxed and the minimum period of one year has been now prescribed and since the petitioner has completed one year of service at the Government Higher Secondary School, Aniyapuram, Namakkal District, there is no impediment on the part of the Chief Educational Officer, Namakkal, the respondent herein, to permit the petitioner to participate in the counselling and prays for appropriate orders.

5. Per contra, Mr.K.Rajendra Prasad, learned Government Advocate appearing for the respondent would submit that the petitioner has completed only one year of service as against three years of service and would submit that in the light of the above said Government Order her request cannot be considered.

6. This Court taking into consideration the letter of the Secretary to Government, School Education Department dated 28.07.2015 and the letter of the Head Master, Government Higher Secondary School, Aniyapuram, Namakkal District in Na.Ka.No.2/15-16, dated 05.08.2015, directs the respondent to pass orders in accordance with law with regard to the participation of the petitioner in the General Transfer Counselling to be held tomorrow (12.08.2015) and communicate

the decision taken to the petitioner. The writ petition is disposed of, accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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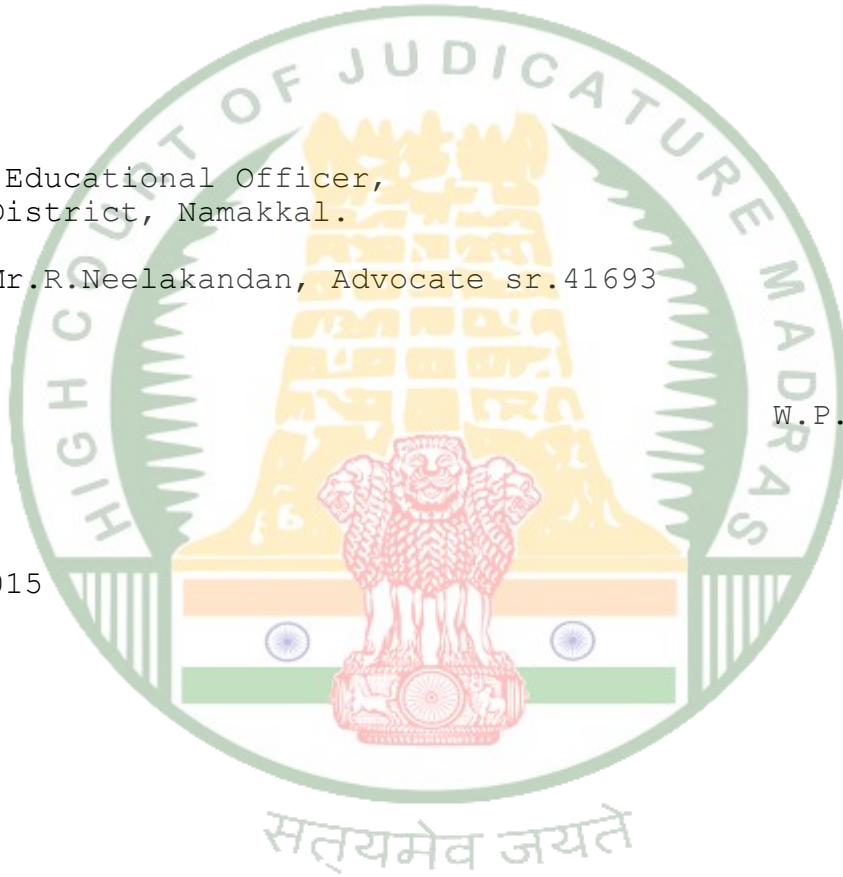
To

The Chief Educational Officer,
Namakkal District, Namakkal.

+1 cc to Mr.R.Neelakandan, Advocate sr.41693

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