



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2015

CORAM:

THE HONOURABLE Mr. JUSTICE D. HARI PARANTHAMAN

W.P. (MD) No. 19023 of 2015

and

M.P. (MD) No. 1 of 2015

P. Rengavathi

... Petitioner

Vs.

1. The State of Tamilnadu

Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai 600 006.

2. The Director of Elementary Education,
College Road, Chennai 600 006.

3. The District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

4. The District Elementary Educational Officer,
Madurai,
Madurai District.

... Respondents

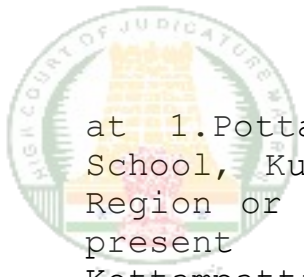
PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to accommodate the petitioner as Secondary Grade Teacher in any one of the vacancies available in the Government Primary / Middle Schools at Kanyakumari District under spouse priority category especially at Government Middle School at 1. Pottalkulam, Suchinthiram Region or 2. Government Primary School, Kumarapuram, Suchinthiram Region or 3. Melkarai, Colachel Region or 4. Kalpadi, Colachel Region by way of transfer from the present Panchayat Union Primary School, Vellimalaipatti, Kottampatti Union, Madurai District.

For Petitioner : Mr. Isaac Mohanlal

For Respondent : Mr. T. S. Md. Mohideen, AGP

O R D E R

The petitioner, who is working as Secondary Grade Teacher in Panchayat Union Primary School, Madurai District, has filed this Writ petition, seeking for a direction to the respondents to transfer her in any one of the vacancies available in the Government Primary / Middle school at Kanyakumari District under spouse priority category especially, at Government Middle School



at 1.Pottalkulam, Suchinthiram Region or 2.Government Primary School, Kumarapuram, Suchinthiram Region or 3.Melkarai, Colachel Region or 4.Kalpadi, Colachel Region by way of transfer from the present Panchayat Union Middle School, Vellimalaipatti, Kottampatti Union, Madurai District.

WEB COPY

2.The respondents has filed a counter affidavit. It is stated in the counter affidavit that there are no vacancies in the schools relied on by the petitioner in the Writ petition. It is useful to extract paragraph No.3 of the counter affidavit as under -

"3.I submit that as per the records, there is no vacancies available in the schools mentioned by the petitioner in prayer column. The list of persons working in particular schools as here under -

I.Government Middle School, Pottalkulam, Suchinthiram Region - Total number of Post Three.

(a)Mr.Chandrasekar working since 22.07.2015.

(b)Mr.Dinesh working since 14.12.2012.

(c)One post is vacant in respect of this post a contempt petition in Cont.P.(MD)No.1623/2014 in W.P.No.12 of 2013 is pending. As per the instruction of Director of School Education, this post is kept vacant.

II.Government Primary School, Kumarapuram Thoppur - Suchinthiram Region - Total number of post Three.

(a)Mary Antony Ammal working since 02.08.2010.

(b) J.Gracy working since 02.09.2015

(c)Basker has been selected through online counselling under physically challenged priority category on 30.08.2015, yet to join.

III. Melakari School, Colachel Region - Total number of post Fourt.

(a)Glory working since 26.06.2006 superannuation date 31.10.2015 and now through reemployment her superannuation date extended 31.05.2016.

(b)Bama working since 20.11.2012.

(c)Venugopal working since 10.09.2015.

IV. Kalpadi School Colachel Region - Total number of post three.

(a)Jegan Mohana working since 02.06.2008.

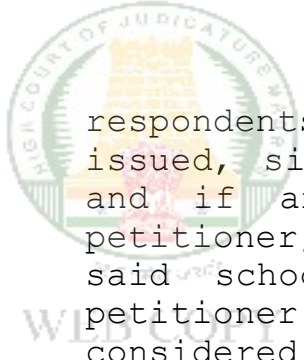
(b)Kalaiselvi working since 17.10.2005.

(c) Ajitha working since 04.12.2008.

3.The learned counsel for the petitioner has submitted that as far as the Melakari School at Colachel Region is concerned, the teacher namely, Glory retired on 31.10.2015 and she has been reemployed upto 31.05.2016 and therefore, a direction could be issued for the said school.

<https://hccse.courts.gov.in/cseonline>

4.The learned Additional Government Pleader appearing for the



respondents has submitted that the said direction cannot be issued, since the vacancies are filled up by way of counselling and if any person, who are in priority category than the petitioner, then he will be eligible to be accommodated in the said school. He further submitted that the claim of the petitioner for transferring her to Kanyakumari District would be considered in the next counselling.

5. In these circumstances, the Writ petition is disposed of recording the statement made by the learned Additional Government Pleader that the claim of the petitioner for transferring in any one of the school in Kanyakumari District would be considered in the next counselling as per the Rules. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Secretary, Department of School Education,
Fort St. George, Chennai 600 006.

2. The Director of Elementary Education, College Road,
Chennai 600 006.

3. The District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

4. The District Elementary Educational Officer,
Madurai, Madurai District.

+one cc to The Special Government Pleader, SR.No.67680

+one cc to M/s. Isaac Mohanlal, Advocate in SR.No.67877

CSL/SLS-RR/10.12.2015

3P/7C

W.P. (MD) No.19023 of 2015
25.11.2015