

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.17408 of 2016

Sujatha Fernando

.. Petitioner

Vs.

- 1.State of Tamil Nadu
rep. by Secretary to Government
School Education Department
St.Fort George
Chennai-600 009.
- 2.The Commissioner & Director of
Most Backward & De-notified Communities Welfare
Chennai-600 005.
- 3.Director of School Education
College Road
Chennai-600 006.
- 4.The Joint Director of Kallar Reclamation
Madurai
Madurai-20.
- 5.The Chairman
Teacher Recruitment Board
4th Floor, EVK Sampath Salai
Chennai-600 006.

..Respondents

Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to transfer the petitioner to any one of the Higher Secondary Schools under the control of the 3rd respondent, on the basis of the petitioner's representation, dated 03.07.2015.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mrs.P.Rajalakshmi,
Government Advocate (Edn.)

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

<https://hcservices.ecourts.gov.in/hcservices/>

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 2nd respondent to transfer the petitioner to any one of the Higher Secondary Schools under the

control of the 3rd respondent, on the basis of the petitioner's representation, dated 03.07.2015.

3. The petitioner was selected by the 5th respondent for the post of Computer Instructor. She was appointed by the 2nd respondent, by order dated 26.06.2012, and posted at Government Kallar Higher Secondary School, Vikiramangalam, Madurai District. Subsequently, her services were regularized. The petitioner has submitted a representation to the 2nd respondent on 03.07.2015 seeking to transfer her to any one of the Schools under the control of the 3rd respondent in Tuticorin District, where her family members are residing. But, till date, there was no response. Aggrieved against the same, this Writ Petition has been filed.

4. Mr.M.Gnanasekar, the learned counsel for the petitioner would submit that similarly placed persons like the petitioner had earlier approached this Court for transferring them to the Schools under the control of the 3rd respondent by way of filing Writ Petition No.25067 of 2013 etc. and the relief sought for by them has been granted by this Court. He would further submit that the 1st respondent has passed G.O.(Ms) No.86, dated 02.03.2011, agreeing to transfer the teachers to Government Schools working under the control of the 3rd respondent in the same academic year and the said G.O. has been implemented by the respondents. He further added that he is restricting his prayer and he would be satisfied, if the representation of the petitioner, dated 03.07.2015, is directed to be considered and appropriate orders are passed taking into consideration the order passed by this Court in W.P.No.25067 of 2013, dated 10.09.2013, in the light of the G.O.Ms.No.86, dated 02.03.2011.

5. Mrs.P.Rajalakshmi, the learned Government Advocate (Education), who takes notice for the respondents, would submit that she has got no serious objection in directing the 2nd respondent to consider the representation of the petitioner and to pass appropriate orders, on merits and in accordance with law.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent to consider the representation of the petitioner, dated 03.07.2015 and pass appropriate orders taking into consideration the order passed by this Court in W.P.No.25067 of 2013, dated 10.09.2013, in the light of the G.O.Ms.No.86, dated 02.03.2011, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

- 1.The Secretary to Government
School Education Department
St.Fort George, Chennai-600 009.
- 2.The Commissioner & Director of
Most Backward & De-notified Communities Welfare
Chennai-600 005.
- 3.Director of School Education
College Road
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- 4.The Joint Director of Kallar Reclamation
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Madurai-20.
- 5.The Chairman
Teacher Recruitment Board
4th Floor
EVK Sampath Salai
Chennai-600 006.

1 cc to Mr.M. Gnanasekar, Advocate, Sr. 29068
1 cc to Government Pleader, Sr. 29201

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PVS (CO)
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