

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P. No. 28581 of 2016

1. R. Jayaraj
2. S. Palanisamy
3. Nicolas Sagayaraj .. Petitioners

Versus

1. The Secretary
Educational Department
Secretariat, Chennai
2. The Director of Elementary Education
Directorate of Elementary Education
DPI Complex, Chennai
3. The District Elementary Educational Officer
District Elementary Educational Officer
Erode ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation dated 20.07.2016 of the petitioners and to pass appropriate orders thereon in terms of G.O. Ms. No.404, Education, Science and Technology (SP) Department dated 25.05.1995 as also on merits, within a time limit that may be specified by this Court.

For Petitioners : Mr. N. Chinnaraj

For Respondent : Mr. P. Chinnadurai
Government Advocate

ORDER

The petitioners seek for a direction to the respondents to consider their representation dated 20.07.2016 and to pass orders thereon on merits and in accordance with GO Ms. NO.404, Education, Science and Technology Department dated 25.05.1995.

2. A perusal of the representation dated 20.07.2016 of the petitioners would disclose that all the petitioners are presently working in various Panchayat Union schools in Anthiyur

Panchayat Union. It is also stated that the schools where the petitioners are working is situate in a hilly/remote area. According to the petitioners, as per GO Ms. No.404, Education, Science and Technology Department dated 29.05.2015, transfer to hilly/remote area has to be resorted to clock wise and if such a procedure is followed in the matter of transfer to the hilly/remote area, there may not be any occasion at all for the petitioners to get transferred to the present schools. In other words, according to the petitioners, transfer to hilly/remote area has to be resorted to on rotation basis and according to juniority. However, without effecting such transfer against the juniors of the petitioners, they were transferred to hilly/remote areas. It is further stated that the respondents ought to have transferred their juniors first and after exhausting all the juniors, the petitioners, being seniors, ought to have been transferred to the hilly/remote areas. Instead, the respondents are adopting anti-clockwise procedure which is contrary to the above order passed by the Government. According to the petitioners, as the representation dated 20.07.2016 has not been considered by the respondents till date, they have come up with the present writ petition.

3. I heard the learned counsel for the petitioners as well as the learned Government Advocate for the respondents. Having regard to the nature of grievance expressed by the petitioners, this Court is of the view that a direction can be issued to the third respondent to consider the representation submitted by the petitioners. Accordingly, the third respondent is directed to consider the representation dated 20.07.2016 of the petitioners and to pass orders thereon on merits and in accordance with law by taking note of the order passed by the Government in GO Ms. No.404, Education, Science and Technology Department dated 25.05.1995 within a period of eight weeks from the date of receipt of a copy of this order.

4. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

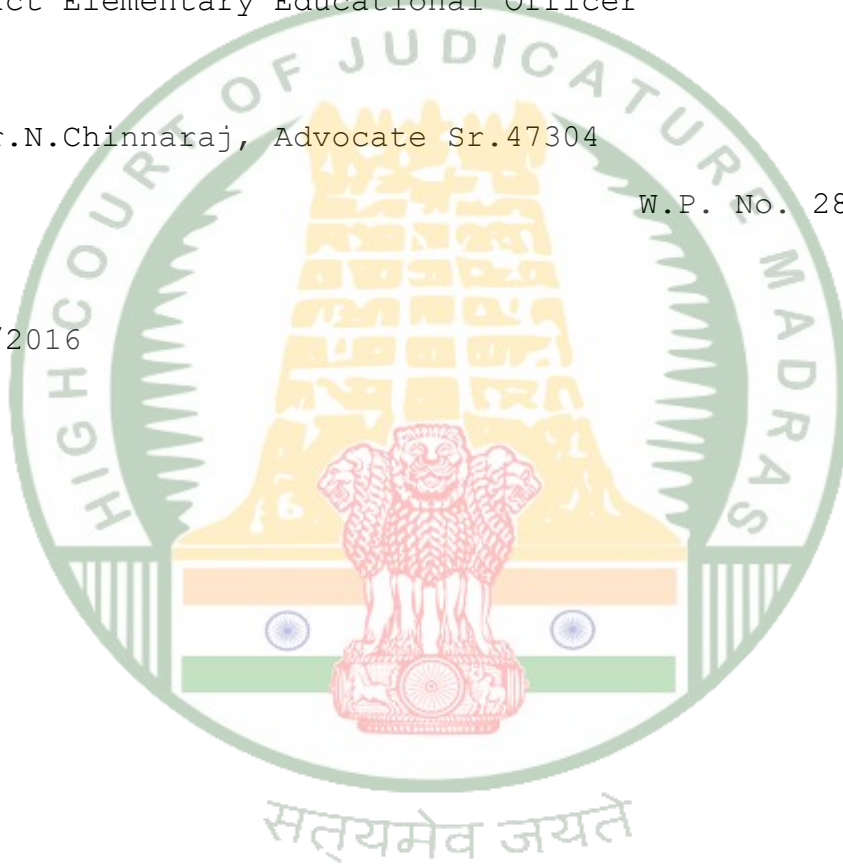
To

1. The Secretary
Educational Department
Secretariat, Chennai
2. The Director of Elementary Education
Directorate of Elementary Education
DPI Complex, Chennai
3. The District Elementary Educational Officer
District Elementary Educational Officer
Erode.

+1cc to Mr.N.Chinnaraj, Advocate Sr.47304

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srg 06/10/2016



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