

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.28679 of 2016 and
WMP Nos.24788 and 24789 of 2016

V.Viji .. Petitioner

Vs.

1. The Secretary to Government,
School Education Department
Fort St. George,
Chennai - 600 009
2. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai - 600 006
3. The District Elementary Educational Officer,
Nagapattinam, Nagapattinam District
4. The Assistant Elementary Educational Officer,
Vedarniyam, Vedarniyam Taluk,
Nagapattinam District. .. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relates to the proceedings to the 3rd respondent in Na.Ka.No.2316/A2/Aa4/2016, dated 13.08.2016 and quash the same and consequently direct the respondents to retain the petitioner in the same union at Vedaraniyam, under spouse quota.

For Petitioner : Mr.Prabhakaran,
Senior Counsel

For Respondents : Mr.P.Senthilvel
Government Advocate

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records relates to the proceedings to the 3rd respondent in Na.Ka.No.2316/A2/Aa4/2016, dated 13.08.2016 and quash the same and consequently direct the

respondents to retain the petitioner in the same union at Vedaraniyam, under spouse quota.

2. According to the petitioner, she was appointed as Secondary Grade Teacher on 17.12.2012 through Teacher eligibility trust and working in the same post at present in Panchayat Union Elementary School, Sarapoji Rajapuram, Vedarniyam Taluk, Nagapattinam District. The petitioner's husband was working as a BT Assistant Teacher in the Government Girls Higher Secondary School, Ayakaranpulam, Vedarniyam Taluk, Nagapattinam District. While so, all of a sudden, the 3rd respondent herein passed a proceedings in Na.Ka.No.2316/A2/Aa4/2016 dated 13.08.2016 by deploying the petitioner from Panchayat Elementary School, Sarapoji Rajapuram, Vedarniyam Union to Panchayat Union Elementary School, Sikkal at Nagapattinam Union, which is 120 km., far away from the present working place. Hence the impugned proceedings is contrary to law and prays to set aside the same.

3. After some arguments, the learned Senior Counsel for the petitioner produced a communication dated 12.08.2016 from the 3rd respondent, which clearly shows that there are two vacant posts in Panchayat Union Elementary School, Periyakoilpathu, Vedaranyam Taluk, Nagapattinam District and he would only seek to consider the petitioner for the said post. He would further contend that the petitioner may be considered in the light of Government order issued under the spouse quota.

4. Per contra, the Learned Government Advocate would contend that the spouse quota will not be applicable for the deployment, however, the respondents would consider the case in accordance with law.

5. Heard the submissions on either side and perused the documents available on record.

6. Taking note of the submission of the learned counsel for the petitioner, suffice it for this Court to direct the 3rd respondent to consider the the case of the petitioner in the light of communication dated 12.08.2016, and pass appropriate orders as expeditiously as possible, preferably within a period of two weeks from the date of receipt of copy of this order.

Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. Till the request of the petitioner is considered by the 3rd respondent, the status quo as on date shall be maintained. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

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Nagapattinam, Nagapattinam District
4. The Assistant Elementary Educational Officer,
Vedarniyam, Vedarniyam Taluk,
Nagapattinam District.

+1 cc to M/s.V.Kasinatha Bharathi, advocate, sr.11926

+1 cc to Govt.Pleader, sr.50159.

rp(co)
krd 16/9

सत्यमेव जयते

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