

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.29466 and 29467 of 2016
and
WMP.Nos.25507 and 25508 of 2016

P.Jothi ..Petitioner in W.P.No.29466 of 2016
S.Sundari ..Petitioner in W.P.No.29467 of 2016

Versus

1. State of Tamilnadu
Rep. by its Secretary to Government
School Education Department,
Secretariat, Chennai-600 009.
2. Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. Joint Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
4. The Chief Educational Officer,
Chief Educational Office,
Tirunelveli District.
5. The Chief Educational Officer,
Chief Educational Office
Thoothukudi District. .. Respondents in both the
Writ Petitions

Prayer in W.P.No.29466 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the 2nd and 3rd respondents to issue transfer order from Thoothukudi District to Tirunelveli District for the post of Graduate Teacher (English) vacancies available in 1. Government Higher Secondary School, Senthamaram or 2. Government Girls Higher Secondary School, Kallanai or 3. Government Higher Secondary School, Kalingapatti or other schools in Tirunelveli District, before issuing the transfer orders to the Graduate Teachers through deployment counseling will be held on 27.08.2016 to 29.08.2016.

Prayer in W.P.No.29467 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the 2nd and 3rd respondents to issue transfer order for the post of Graduate Teacher (Mathematics) vacancies available in Government Girls

Higher Secondary School, Kallanai or any other schools in Tirunelveli District, before issuing the transfer orders to the Graduate teachers through deployment counseling will be held on 27.08.2016 to 29.08.2015.

For Petitioners : Mr.J.Agni Selvaraju
(in both W.P.'s)

For Respondents : Mr.Dig Vijay Pandian
(in both W.P.'s) Additional Government Pleader

COMMON ORDER

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

2. The petitioners in these writ petitions have been selected and appointed on 14.10.2012 to the post of Graduate Teacher (English) and Graduate Teacher (Mathematics) respectively through Tamil Nadu Public Service Commission. Both the petitioners were posted in the Government High School, Pilliyarnatham on 17.12.2012. At that time, the school in which the petitioners were appointed was coming under the administrative control of the Chief Educational Officer, Tirunelveli. Subsequently, by 06.04.2014 of the second respondent, the jurisdiction of the said School stood vested within the administrative control of the Chief Educational Officer, Thoothukudi. On the basis of such order, the petitioners sought transfer from Thoothukudi District to some other school in Tirunelveli District within the administrative control of the Chief Educational Officer, Tirunelveli. Such request made by the petitioners were also recommended by the fourth respondent by a proposal dated 06.06.2014 addressed to the second respondent.

3. The grievance of the petitioners is that when once the school in which the petitioners were working vested with the administrative control of the Chief Educational Officer, Tuticorin and when the petitioners were appointed only in Tirunelveli District, they ought to have been transferred to the school in which vacancies exist within the jurisdiction of Chief Educational Officer, Tirunelveli. In this context, the petitioners have also submitted a representation dated 08.08.2016 and 12.08.2016 respectively by the petitioners seeking to transfer them to any other schools in Tirunelveli within the administrative control of Chief Educational Officer, Tirunelveli. In spite of such request, their claim for transfer has not been considered so far. It is also the grievance of the petitioners that counseling for transfer to those who are holding the post of Graduate Teachers by deploying them in other school is likely to take place on 27.08.2016 to 29.08.2016. According to the petitioners, if Graduate Teachers are transferred by deployment, their claim for such transfer will be deprived. Therefore, they have filed this writ petition seeking to issue a direction to the 2nd and 3rd respondents to issue transfer order in favour of the petitioners in the post of Graduate Teacher(English) and

Graduate Teacher (Mathematics) respectively in the vacancies available in Government Girls Higher Secondary School, Kallanai or any other schools in Tirunelveli District, before issuing the transfer orders to the Graduate teachers through deployment in the counseling to be held on 27.08.2016 to 29.08.2015.

4. I heard the counsel for both sides. Having regard to the above facts, without expressing any opinion on merits, this Court directs the respondents 2 and 3 to consider and pass orders on the representations of the petitioners dated 08.08.2016 and 12.08.2016 respectively, on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

5. With the above direction, both the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
2. Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. Joint Director of School Education,
DPI Campus, College Road,
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4. The Chief Educational Officer,
Chief Educational Office,
Tirunelveli District.
5. The Chief Educational Officer,
Chief Educational Office,
Thoothukudi District.

+1 cc to Mr.Agniselvaraju,advocate,sr.48166

+1 cc to govt.Pleader,sr.48649.

krd 7/9

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