

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.30462 of 2016

M.A.Maria Susai

.. Petitioner

Vs.

- 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,
Thiruvannamalai District. ... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 3rd respondents to relax the 4th condition in the G.O.(1D) No.258 School Education (gf 5 1) department dated 06.07.2016 and allow the petitioner to participate in the Teachers' General Counselling 2016-2017, scheduled on 03.09.2016.

For Petitioner : Mr.J.Agni Selvaraju

For Respondents : Mr.A.Kumar,
Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2.This Writ Petition has been filed to issue a Writ of Mandamus, directing the 1st and 3rd respondents to relax the 4th condition in the G.O.(1D) No.258 School Education (gf 5 1)

department dated 06.07.2016 and allow the petitioner to participate in the Teachers' General Counselling 2016-2017, scheduled on 03.09.2016.

3. The case of the petitioner is that he joined in the service as Graduate Teacher (Tamil) in Government Kallar Higher Secondary School, Pappapatti Post, Madurai District on 13.07.2004. After completion of probation, the petitioner had applied for department transfer from kallar Reclamation department's school to School Education Department's School in Tiruvannamalai District. Thereafter, the petitioner was transferred to Government Boys Higher Secondary school at Vettavalam, Thiruvannamalai on 01.12.2014 due to administrative reasons. In these circumstances, the 1st respondent passed G.O. (1D) No.258 School Education (gf 5 1) department dated 06.07.2016 with several conditions, especially the condition no.4 states that "participating teachers' should be joined in service on or before 01.06.2015", however the respondents did not take any steps to relax the said condition for the petitioner and to participate in the Teachers' General Counselling 2016 -2017 and hence the present writ petition has been filed by the petitioner seeking the above mentioned relief.

4. The learned counsel for the petitioner would submit that all the teachers, except the petitioner are eligible for participating in the said Teachers' Counselling 2016-2017 because they joined before the period stated in the 4th Condition of the said government order. Hence the respondents action are arbitrary and unreasonable one and also against the principles of natural justice. Therefore, prays this Court to direct the respondents to allow the petitioner to participate in Teachers' General counselling 2016 -2017.

5. The learned counsel for the respondents has got no serious objection for directing the respondents to consider the request of the petitioner and 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 respondents 1 to 3, to consider the request of the petitioner, which was made by way of an application, and pass appropriate orders, on merits and in accordance with law as expeditiously as possible. 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/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 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,
Thiruvannamalai District.

+1cc to Mr.Agni Selvaraju, Advocate sr.50718
+1cc to the Government Pleader Sr.50175

सत्यमेव जयते W.P. No.30462 of 2016

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srg 23/09/2016

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