

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :02.09.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.30571 of 2016

K.Sankari

..Petitioner

-Vs-

- 1.The State of Tamilnadu,
rep. By its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 9
2. The Director of School Education,
DPI Campus, College Road,
chennai - 6
3. The Chief Education Officer
Thiruvannamalai,
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 3rd respondent to accept and consider the petitioner's application for transfer by permitting her to participate in the counselling for General transfer to be held on 03.09.2016 or any other date to be fixed, in the light of clause 5 (VIII) (d) of G.O.No.258, School Education (Pa.Ka.5(1)) Department dated 06.07.2016.

For Petitioner

: Ms.P.Uma

For Respondents

: Mr.A.Kumar
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of Writ of Mandamus directing the 3rd respondent to accept and consider the petitioner's application for transfer by permitting her to participate in the counselling for General transfer to be held on 03.09.2016 or any other date to be fixed, in the light

of clause 5 (VIII) (d) of G.O.No.258, School Education (Pa.Ka.5 (1)) Department, dated 06.07.2016.

2. According to the petitioner, she was first appointed as BT Assistant Tamil Teacher in the year 2004 at Kalra Reclamation School and worked there till 08.12.2014 and on the same day, she was transferred to Malavadi Higher Secondary School in Thiruvannamalai District. While she was working in the same school, she was deployed to Sengadu Government Higher Secondary School, due to excess number of teachers on 30.08.2015 and she has to travel three hours daily to attend her work. It is further stated that in the previous year viz., 2015, the petitioner was not eligible for transfer for the reason that her husband was working in Thane at that point of time and also for the reason that she has not completed one academic year. Now, since she has completed one academic year and her husband is now working at Thiruvannamalai, the petitioner has submitted her application dated 22.07.2016 for transfer, but the said application has been rejected without assigning any reasons, hence, the petitioner has come forward with this Writ petition.

3. The learned counsel for the petitioner would submit that the petitioner's husband is working at Thanranpet Government Higher Secondary School in Thiruvannamalai and there is 120 Km difference from the place of work of petitioner and her husband's place of work, which necessitates both to travel for a long time. Learned counsel would further submit that as of now, the petitioner is travelling 100 km to reach her home from the work place, which adversely affects her mental and physical health of the petitioner. Learned counsel would also contend that even though the petitioner is eligible for transfer as per the terms and conditions mentioned in clause 5 (VIII) (d) of G.O.No.258, School Education (Pa.Ka.5(1)) Department dated 06.07.2016, her transfer application has been rejected by the respondents without assigning any reasons,

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. Taking note of the facts and circumstances of the case, this Writ Petition is disposed of by directing the 3rd respondent to consider the transfer application of the petitioner dated 22.07.2016 in the light of clause 5 (VIII) (d) of G.O.No.258, School Education (Pa.Ka.5(1)) Department dated

06.07.2016 as expeditiously as possible and shall also consider for counselling for General Transfer.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssd
To

1.The Principal Secretary,
The State of Tamilnadu,
Department of School Education,
Fort St. George, Chennai - 9

2. The Director of School Education,
DPI Campus, College Road,
chennai - 6

3. The Chief Education Officer
Thiruvannamalai,
Thiruvannamalai District

2 ccs to Government Pleader, sr.50200, 50174
1 cc to M/s.P.Uma, Advocate, sr.50150

W.P.No.30571 of 2016

sai co

kra 23.09.2016

सत्यमेव जयते

WEB COPY