

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

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THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Writ Petition No.32685 of 2016 and

WMP.No.28316 of 2016

B.Usha

... Petitioner

vs.

1. Director of Elementary Education,
Chennai-6.

2. District Elementary Education Officer,
Kancheepuram,
Kancheepuram District.

3. Assistant Elementary Education Officer,
Uthiramerur,
Kancheepuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to retransfer the petitioner back to the Panchayat Union Middle School, Ezhichur, Kundrathur Panchayat Union, being petitioner's parent Panchayat Union, by considering the representation made by the petitioner dated 26.08.2016.

For Petitioner : Mr.P.Ganesan
For Respondents : Mr.N.Srinivasan,
Additional Government Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to retransfer the petitioner back to the Panchayat Union Middle School, Ezhichur, Kundrathur Panchayat Union, being petitioner's parent Panchayat Union, by considering the representation made by the petitioner dated 26.08.2016.

3. The case of the petitioner is that she passed 10th standard in the year 2000, +2 in the year 2002, Diploma in Teacher Education in 2004, B.Sc. Maths in the year 2008, B.Ed. in 2009 and M.Sc. Maths in the year 2012. While so, she was appointed as Secondary Grade Teacher on 17.12.2012 on the basis of passing Teacher Eligibility Test through Employment Exchange in Panchayat Union Middle School, Kuchipalayam, Anaikattu Panchayat Union, Vellore District. Thereafter, she was transferred to Kundrathur Panchayat Union, Kancheepuram District on 18.06.2014. In the Seniority List drawn in the cadre of Secondary Grade Teacher as on 01.01.2016, she was placed in Sl.No.267.

4. The further case of the petitioner is that while she was working as Secondary Grade Teacher, 18 teachers including herself were transferred to other Panchayat Unions on the ground of surplus by an order dated 13.08.2016 of the 2nd respondent. The petitioner was transferred to Uthiramerur Panchayat Union and she joined on 07.09.2016. According to the petitioner, each Panchayat Union is separate unit for promotion and transfer. In the meanwhile, on 21.08.2016, a Secondary Grade Teacher by name Parameswari, who was working in Kundrathur Panchayat Union was transferred to Trichy District on her request and the said post kept vacant till date. On knowing the same, the petitioner made a representation to the 2nd respondent on 24.08.2016 requesting him to retransfer her to the parent Panchayat Union School and also made a representation on 26.08.2016 to the 1st respondent. But the same have not been considered by the respondents. Hence, the present Writ Petition.

5. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

**R.SUBBIAH, J
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6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh representation along with a copy of this Order to the respondents, within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the same, the respondents shall consider and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion regarding the merit of the claim made by the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

19.09.2016

Index:Yes/No

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To

1. Director of Elementary Education,
Chennai-6.

2. District Elementary Education Officers,
Kancheepuram, Kancheepuram District.

3. Assistant Elementary Education Officer,
Uthiramerur, Kancheepuram District.

W.P.No.32685 of 2016

DATED: 19.9.2016