

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.3545 of 2016

S.Chithradevi

... Petitioner

Vs

1. The Director of School Education
DPI Campus College Road
Chennai- 6.
2. The Chief Educational Officer
Namakkal District, Namakkal
3. The District Educational Officer
Namakkal, Namakkal District.
4. The Secretary
Sengunthar Mahajana Higher Secondary School
Gurusamipalayam-637 403
Namakkal District. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to re-transfer the petitioner to the post of BT Assistant (Mathematics) in the 4th Respondent School in the existing vacancy well within the sanctioned strength arose due to promotion of incumbent Tmt.M.Bharathi on 05.1.2016 by considering the representation submitted by the petitioner dated 21.1.2016.

For petitioner : Mr. G.Sankaran

For R1 to R3 : Mr.A.Kumar,
Special Government Pleader

O R D E R

This writ petition has been filed by S.Chithradevi, seeking writ of mandamus directing the respondents to re-transfer the petitioner to the post of BT Assistant (Mathematics) in the 4th Respondent School in the existing vacancy arose due to promotion

of incumbent Tmt.M.Bharathi on 05.1.2016 by considering the representation dated 21.1.2016 submitted by her.

2. Heard Mr. G.Sankaran, learned counsel for the petitioner and Mr. A.Kumar, learned Special Government Pleader, who took notice for the respondents 1 to 3 and with their consent, the main writ petition itself is taken up for disposal.

3. The petitioner was originally appointed as BT Assistant (Mathematics) in the 4th respondent school on 11.4.2008 and subsequently, she was appointed in the regular sanctioned vacancy arose due to the promotion of the incumbent and her appointment was approved by the Education Department.

4. While so, in the 4th respondent school, when there were 3 BT Assistants (Mathematics) working in the school in the year 2015, a vacancy to the post of PG Assistant in History arose due to the retirement of incumbent N. Venkatacalam on 31.5.2015 and in the said vacancy, M.Bharathi, one of the B.T Assistant (Mathematics), was considered to be promoted to the post of PG Assistant. Based on the assessment of students teachers ratio, 4 posts of BT Assistant in the 4th respondent school were declared as surplus in which one post of BT Assistant (Mathematics) also included. On this basis, the petitioner being the third BT Assistant (Mathematics) sought to be transferred by re-deployment to Bharathi Higher Secondary School, Reddipatti, Namakkal District, by proceedings of the second respondent dated 10.12.2015. On the basis of the re-deployment order, the petitioner joined in the transferred school on 14.12.2015.

5. In the meanwhile, since the vacancy has arisen in the erstwhile school, the petitioner has submitted a representation dated 21.1.2016 to the second respondent seeking re-transfer to the 4th respondent school in the post of BT Assistant and till date, the same has not been considered.

6. The only grievance of the petitioner is that as vacancy has arisen in the erstwhile school, which is also an aided school, no prejudice would be caused, if a direction is given to the respondents to consider her representation dated 21.1.2016.

7. Considering the limited request sought for by the petitioner, this Court directs the second respondent to consider and pass orders on the pending representation dated 21.01.2016, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ga

To

1. The Director of School Education
DPI Campus College Road
Chennai- 6.
2. The Chief Educational Officer
Namakkal District, Namakkal
3. The District Educational Officer
Namakkal, Namakkal District.
4. The Secretary
Sengunthar Mahajana Higher Secondary School
Gurusamipalayam-637 403
Namakkal District.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.7079
+1cc to the Government Pleader, S.R.No.6887

सत्यमेव जयते

W.P.No.3545 of 2016

MP (CO)
CA(24/02/2016)

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