

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.38221 of 2016

And

W.M.P.Nos.32773 and 32774 of 2016

Sudaroli ... Petitioner
Vs.

- 1 The Director of Elementary Education
Directorate of Elementary Education
D.P.I. Complex
College Road
Chennai - 600 006.
- 2 The Chief Educational Officer
Thiruvallur District
Thiruvallur
- 3 The District Elementary Educational Officer
Thiruvallur District
Thiruvallur
- 4 The Additional Assistant Elementary Officer
Meenjur
Thiruvallur District

5 K.Samsunisha ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order made in Na.Ka.No.607/A2/2016 dated 16.08.2016 issued by the 4th respondent and quash the same and consequentially directing the respondent to re-deploy the petitioner to the vacancies arose in Municipal Middle School, Ambattur union.

For Petitioner : Mr.Nagarathinam

For Respondents : Mr.V.Anandhamoorthy

Additional Government Pleader (Edn)

O R D E R

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

2.The present writ petition has been filed seeking a Certiorarified Mandamus calling for the records pertaining to the order made in Na.Ka.No.607/A2/2016 dated 16.08.2016 issued by the fourth respondent and quash the same and consequentially, directing the respondent to re-deploy the petitioner to the vacancies arose in Municipal Middle School, Ambattur Union.

3.The petitioner would state that she entered the service as Secondary Grade Teacher under the respondents from the year 2006 and have been discharging her duties to the satisfaction of the superiors. The petitioner was deployed from Ambattur Municipal Middle School, Kallikuppam, Villivakkam Union to the Middle School, Karikalavakkam, Thiruvallur Union on deployment by order dated 28.07.2012 issued by the second respondent and she has been working in the said School till date. Whiles, some guidelines were framed for conducting general counselling as mentioned in the deployment order issued by the second respondent and one of the conditions is that the vacancies should be filled up by conducting general counselling only after passing order for restoring the deployed Teachers.

4.The petitioner would further state that she came to understand that there was a vacancy to the post of Secondary Grade Teacher arose in the Ambattur Municipal Primary School, Mannurpet, Villivakkam Union. Thereafter, the counselling for general transfer was conducted for the academic year 2014-15 and the petitioner also participated in the said counselling and one Mrs.S.Rathna was transferred from Panchayat Union School, Jollagoundanur, Thirupattur Union, Vellore District on 09.07.2014 to the said School. Hence, the petitioner made a representation dated 19.07.2014 requesting the respondent to transfer her to the Municipal Elementary School, Mannurpet, Villivakkam Union, Thiruvallur District and since no action was taken, filed W.P.No.5366 of 2015.

5.The petitioner would further state that thereafter, she came to know that there are some vacancies of Secondary Grade Teachers arose in Ambattur Union during the academic year 2015-16. Hence, she made a representation dated 27.08.2015 requesting the respondents to transfer her to the future vacancies arose in the School, but the same was not considered. Now, the petitioner came to understand that there

was four vacancies of Secondary Grade Teachers arose within the Ambattur Municipal Middle School, Varadarajapuram and Ambattur Municipal Middle School, Ambattur in the academic year 2016-17.

6.The petitioner would further state that she should be given priority for re-deployment to the place in which she was working as per the order of deployment. The counselling for transfer of Secondary Grade Teachers was conducted on 13.08.2016 and the petitioner also participated in the said counselling, but the fifth respondent who was working in the Panchayat Union Elementary School, Medur was deployed to the Municipal Middle School, Varadarajapuram vide order dated 16.08.2016 issued by the fourth respondent and she joined the duty immediately. Hence, the petitioner made a representation dated 19.08.2016 requesting the respondents to re-deploy her to the vacancies arose in Municipal Middle School, Ambattur or Municipal Middle School, Varadarajapuram. But the same was not considered. Hence, this petition.

7.When the matter is taken up for consideration, the learned counsel appearing for the petitioner submitted that though the writ petition has been filed praying to quash the order made in Na.Ka.No.607/A2/2016, dated 16.08.2016, if a direction is given to the respondents to consider the petitioner's representation dated 19.08.2016, that would suffice.

8.Considering the submissions by the learned counsel appearing for the petitioner and without going into the merits of the case, this Court directs the petitioner to give a copy of the representation dated 19.08.2016, 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 and on receipt of the same, the respondents are directed to consider the said representation, on merits and in accordance with law and pass appropriate orders, within a period of six weeks thereafter.

9.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

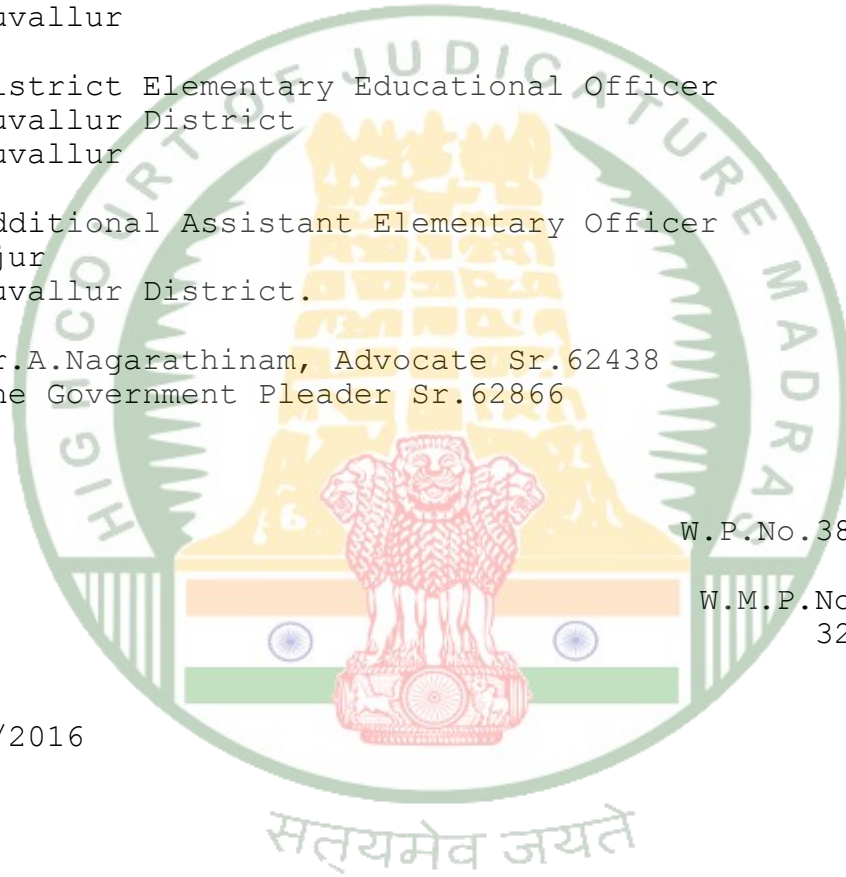
To

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+lcc to Mr.A.Nagarathinam, Advocate Sr.62438
+lcc to the Government Pleader Sr.62866

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