

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.9835 of 2016

D.Kamaraj

... Petitioner

Vs

The District Elementary Educational Officer
Villupuram District
Villupuram.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to consider and pass orders on the representation of the petitioner dated 23.02.2016 submitted for approving the transfer of the petitioner as Secondary Grade Teacher from Mel Pappambadi Aided Elementary School, Olakkur Panchayat Union, Gingee Taluk, Villupuram District to Muslim Aided Middle School, Tindivanam, Tindivanam Taluk, Villupuram District on single way migration on the basis of the Compliance Report dated 20.01.2016 submitted by the Management of Muslim Aided Middle School, Tindivanam.

For Petitioner : Mr.Kandhan Duraisami

For Respondent : Mr.A.Kumar
Special Government Pleader

सत्यमेव जयते
O R D E R

The writ petition has been filed by D.Kamaraj, seeking a writ of mandamus directing the respondent to consider and pass orders on the representation dated 23.02.2016 submitted by him for approving his transfer as Secondary Grade Teacher from Mel Pappambadi Aided Elementary School, Olakkur Panchayat Union, Gingee Taluk, Villupuram District to Muslim Aided Middle School, Tindivanam, Tindivanam Taluk, Villupuram District on single way migration on the basis of the Compliance Report dated 20.01.2016 submitted by the Management of Muslim Aided Middle School, Tindivanam.

2. Heard Mr.Kandhan Duraisamy, learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, takes notice on behalf of respondent and with their consent, the writ petition is taken up for disposal at the admission stage.

3. The petitioner, who was appointed as Secondary Grade teacher on 18.10.2006 in Mel Pappambadi Aided Elementary School, Kannaki Nagar, Gingee Taluk, Villupuram District, has given a representation dated 24.04.2015 to the Management of Muslim Aided Middle School and Mel Pappampadi Aided Elementary School, requesting them to transfer him on one way migration stream from Mel Pappampadi Aided Elementary School to Muslim Aided Middle School in the existing vacancy that arose on account of the retirement of one M.Arumugam, as both the schools are Aided schools. On receipt of representation dated 24.04.2015, the Management of Mel Pappampadi Aided Elementary School issued No Objection Certificate dated 15.5.2015 and the Muslim Aided Middle School issued Letter of willingness dated 09.5.2015. Pursuant to the same, the petitioner also submitted a detailed representation dated 05.6.2015 to the respondent through proper channel requesting the authorities to transfer him from Mel Pappambadi Aided Elementary School to Muslim Aided Middle School, Tindivanam. But the respondent, by proceedings dated 23.11.2015 in Na.Ka.No.2710/A4/2015, refused to approve his transfer pointing out certain deficiencies. Thereafter, the Management of Muslim Aided Middle School submitted a detailed compliance report dated 20.01.2016 to the respondent along with their Resolution, the resolution of Mel Pappambadi Aided Elementary School, Bonafide certificate, Building Stability Certificate and Students Attendance Report for 1st standard to 5th standard etc., and the same has been recommended by the Additional Assistant Educational Officer, Olakkur to the respondent. Since there was no reply from the respondent, the petitioner has come to this Court.

4. This Court finds that as the deficiencies pointed out by the respondent while refusing the petitioner's transfer vide proceedings dated 23.11.2015 has been complied with, there is no impediment to issue a direction to the respondent to accept No Objection Certificate issued by the Management of Mel Pappambadi Aided Elementary School, Kannaki Nagar, Gingee Taluk, Villupuram District and the willingness certificate issued by the Muslim Aided school, Tindivanam along with the resolution and to accommodate the petitioner by way of transfer on single way migration, as the Muslim Aided school is also in dire need of teacher, in the existing vacancy that arose due to the retirement of N.Arumugam, secondary Grade teacher.

5. Accordingly, the writ petition is allowed and the respondent is directed to approve the transfer of petitioner as Secondary Grade Teacher from Mel Pappambadi Aided Elementary School, Olakkur Panchayat Union, Gingee Taluk, Villupuram District to Muslim Aided Middle School, Tindivanam, Tindivanam Taluk, Villupuram District, on single way migration on the basis of the Compliance Report dated 20.01.2016 submitted by the Management of Muslim Aided School, Tindivanam, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

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To

The District Elementary Educational Officer
Villupuram District,
Villupuram.

+1cc to M/s.Muthumani Doraisami, Advocate, S.R.No.16873
+1cc to the Government Pleader, S.R.No.17002

W.P.No.9835 of 2016

ALA(CO)
CA(04/04/2016)

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