



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2016

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.14590 of 2016

and

W.M.P (MD) Nos.10815 & 10816 of 2016

Thoandrill Malar

.. Petitioner

Vs.

1.The Directorate of School Education,
School Education Department,
DPI Complex,
Chennai.

2.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to transfer the petitioner to the S.R.N Government Boys Higher Secondary School, Thiruthangal, virudhunagar District by considering the petitioner's representation, dated 11.07.2016.

For Petitioner : Mr.V.Panneer Selvam

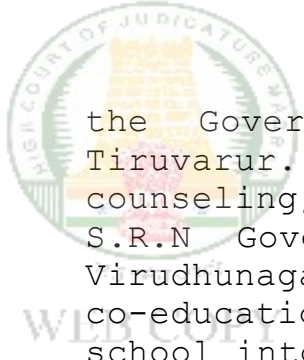
For Respondents : Mr.T.S.Mohamed Mohideen
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents to transfer the petitioner to the S.R.N Government Boys Higher Secondary School, Thiruthangal, virudhunagar District by considering the petitioner's representation, dated 11.07.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.The petitioner - Thoandrill Malar was appointed as Block Resource Teacher Educator under Sarva Shiksha Abhiyan in Virudhunagar. The said post is equivalent to B.T. Assistant post. Subsequently, she got transfer to the post of B.T. Assistant in



the Government Higher Secondary School, Radhanarasimmapuram, Tiruvarur. Later on, she was called for counseling. In the said counseling, she was promoted as Post Graduate English Teacher in S.R.N Government Boys Higher Secondary School, Thiruthangal, Virudhunagar District on 17.09.2010. Since the said School is a co-educational one, the authorities decided to bifurcate the school into girls and boys School separately. In that process, the petitioner's post alone was held to be surplus. Hence, she was deployed to K.R.T.A Government Higher Secondary School, Melathayilpatti, Virudhunagar District, by order of the second respondent on 27.12.2011. Accepting the same, the petitioner joined duty at K.R.T.A Government Higher Secondary School, Melathayilpatti, Virudhunagar District. In the meanwhile, she applied to the third respondent for transfer on deployment through the Head Mistress of the School under the spouse employed priority. Now, the counseling for transfer is going to take place on 20.08.2016. The petitioner has also become eligible for the said transfer. Therefore, a direction may be given to the respondents to consider her on two grounds.

4.Firstly, when the petitioner was serving in S.R.N Government Boys Higher Secondary School, Thiruthangal, only due to bifurcation of the Schools into boys and girls School, she was found surplus. As a result, the second respondent by order dated 27.12.2011, transferred her to K.R.T.A Government Higher Secondary School, Melathayilpatti, Virudhunagar District. Accepting the same, the petitioner has been working. In the meanwhile, it is pleaded that a vacancy for the post of P.G Assistant in English has arisen in S.R.N Government Boys Higher Secondary School, Thiruthangal. Therefore, the second respondent, who has found the petitioner as surplus in S.R.N Government Boys Higher Secondary School, Thiruthangal, Virudhunagar District, in all fairness, has to consider her request to come back in the same School. If there is no vacancy in the said school, giving priority to the spouse to be employed in the same place as per G.O.(1D)No.258, School Education [PaKa 5 (1)] Department, dated 06.07.2016, the petitioner can be considered in any one of the nearby School.

5.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner is found eligible to take part in the counseling to be held on 20.08.2016 and her case may be considered in the light of G.O.(1D)No.258, School Education [PaKa 5 (1)] Department, dated 06.07.2016.

6.In view of the above, the respondents are directed to consider the representation of the petitioner, dated 11.07.2016 in the light of G.O.(1D)No.258, School Education [PaKa 5 (1)] Department, dated 06.07.2016 preferably on or before 20.08.2016. That apart, if the statement of the petitioner is found correct as there is a vacancy for the post of Post Graduate Teacher - English in S.R.N Government Boys Higher Secondary School, Thiruthangal, Virudhunagar District, the same may also be considered, if it is



remained vacant.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

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/True copy/

Sd/-
Assistant Registrar

Sub Assistant Registrar

To

1. The Directorate of School Education,
School Education Department, DPI Complex, Chennai.

2. The Chief Educational Officer,
Virudhunagar, Virudhunagar District.

+1 CC to M/s. V.PANEERSELVAM, Advocate, SR No.44375

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.44429

**W.P(MD)No.14590 of 2016
and
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12.08.2016**

ps

SH/PV-MPA/SAR-I:18.08.2016:3P/5C