



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)Nos.15069 to 15071 of 2016

and

W.M.P. (MD)Nos.11102 to 11104 of 2016

W.P. (MD)No.15069 of 2016

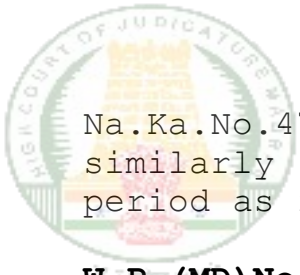
M.Annie Freeda

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Secretary to
Government,
School Education Department,
Secretariat, Chennai-9.
- 2.The Director of School Education,
O/o the Directorate of School Educational Office,
DPI Compound, Chennai.
- 3.The Joint Director School Education
(Higher Secondary),
O/o the Joint Directorate School Educational
Office,
DPI Compound, Chennai-600 006.
- 4.The Chief Educational Officer,
O/o the Chief Educational Office,
Nagercoil-629 001,
Kanyakumari District.
- 5.The Chief Educational Officer,
O/o the Chief Educational Office,
Pudukkottai District, Pudukkottai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to transfer the petitioner as P.G.Assistant (Physics) in the available vacancy at Kanyakumari District on preferential basis in conformity with the order issued by the second respondent in his proceedings **ஒ.மு.எண்.064742/பிப்ரவரி/2015** dated 16.12.2015 and in the light of the proceedings issued by the third respondent in



Na.Ka.No.47018/W2/E2/2014 dated 23.06.2014 in respect of the similarly placed person like that of the petitioner within a period as fixed by this Court.

W.P. (MD) No.15070 of 2016

C.R.Sudha Kumari

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Secretary to
Government,
School Education Department,
Secretariat, Chennai-9.
- 2.The Director of School Education,
O/o the Directorate of School Educational Office,
DPI Compound, Chennai.
- 3.The Joint Director School Education
(Higher Secondary),
O/o the Joint Directorate School Educational
Office,
DPI Compound, Chennai-600 006.
- 4.The Chief Educational Officer,
O/o the Chief Educational Office,
Nagercoil-629 001,
Kanyakumari District.
- 5.The Chief Educational Officer,
O/o the Chief Educational Office,
Ramanathapuram District, Ramanathapuram ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to transfer the petitioner as P.G.Assistant (Physics) in the available vacancy at Kanyakumari District on preferential basis in conformity with the order issued by the second respondent in his proceedings ஒ.மு.எண்.064742/பிளாய்டு/21/2015 dated 16.12.2015 and in the light of the proceedings issued by the third respondent in Na.Ka.No.47018/W2/E2/2014 dated 23.06.2014 in respect of the similarly placed person like that of the petitioner within a period as fixed by this Court.

W.P. (MD) No.15071 of 2016

<https://hcservices.courts.gov.in/hcservices/>

... Petitioner

Vs.



1.The State of Tamil Nadu,
represented by its Secretary to
Government,
School Education Department,
Secretariat, Chennai-9.

2.The Director of School Education,
O/o the Directorate of School Educational Office,
DPI Compound, Chennai.

3.The Joint Director School Education
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4.The Chief Educational Officer,
O/o the Chief Educational Office,
Nagercoil-629 001,
Kanyakumari District.

5.The Chief Educational Officer,
O/o the Chief Educational Office,
Pudukkottai District, Pudukkottai.

... Respondents

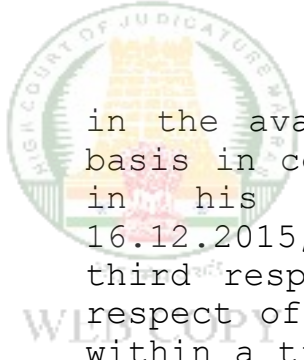
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to transfer the petitioner as P.G.Assistant (Physics) in the available vacancy at Kanyakumari District on preferential basis in conformity with the order issued by the second respondent in his proceedings ஒ.மு.எண்.064742/பிளாய்டு/2/2015 dated 16.12.2015 and in the light of the proceedings issued by the third respondent in Na.Ka.No.47018/W2/E2/2014 dated 23.06.2014 in respect of the similarly placed person like that of the petitioner within a period as fixed by this Court.

For petitioner
in all petitions : Mr.C.Venkatesh Kumar
for M/s Ajmal Associates

For respondents
in all petitions : Mr.VR.Shanmuganathan
Special Government Pleader

COMMON ORDER

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner, in all these petitions, have come to this Court seeking issuance of a writ of mandamus to direct the respondents to transfer the petitioners as P.G.Assistant (Physics)



in the available vacancy at Kanyakumari District on preferential basis in conformity with the order issued by the second respondent in his proceedings x.K.vz;.064742/lgps;a[2/,1/2015> dated, 16.12.2015, and, in the light of the proceedings issued by the third respondent in Na.Ka.No.47018/E2/2014, dated 23.06.2014, in respect of similarly placed persons like that of the petitioners, within a time limit that may be fixed by this Court.

2. Learned Counsel appearing for the petitioners, by drawing the attention of this Court to the order, dated 13.08.2015, passed in W.P.(MD)Nos.13778 to 13782 of 2015, would submit that in the light of G.O.(1D).No.137 School Education Department, dated 09.06.2014, it was held therein that persons, who are promoted as P.G. Assistants and posted at other Districts, are to be given priority before any Counselling takes place for transfer to their respective native Districts and so holding, the Joint Director of School Education was directed to consider the petitioners' representations (in that case) dated 01.11.2014 and 17.04.2015 on merits and in the light of the said Government Order viz., G.O. (1D).No.137 School Education Department, dated 09.06.2014. It is further submitted that the respondents should act by their own G.O.(1D).No.137, School Education Department, dated 09.06.2014, by adhering to what is made clear in paragraph No.3 thereof, in the light of this Court's order dated 13.08.2015. But, without complying either of the same, the respondents attempt to negotiate the request of the petitioners on the basis of a subsequent Government Order in G.O.(1D)No.258, School Education Department, dated 06.07.2016.

3. Mr.V.R.Shanmuganathan, learned Special Government Pleader, who takes notice for the respondents, would submit that now the respondents have issued an order as per G.O.(1D)No.258 School Education Department, dated 06.07.2016. According to him, the petitioners cannot prevail upon the respondents to comply with their options. He would also submit that the petitioners have also asked the respondents to post them in a school which is situated close to their house.

4. Although this Court finds favour with the learned Special Government Pleader that the petitioners cannot dictate the respondents to pass posting orders according to their whims and fancies, this Court, by sticking to its earlier order, dated 13.08.2015, directs the respondents to follow their own G.O.(1D). No.137 School Education Department, dated 09.06.2014. In all fairness, the respondent shall give effect to the order passed by this Court and also G.O.(1D).No.137 School Education Department, dated 09.06.2014. Of course, it is open to the respondents to accommodate the petitioners against suitable vacancies.



5. With the above directions, all the Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
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- 5.The Chief Educational Officer,
O/o the Chief Educational Office,
Pudukkottai District, Pudukkottai.
- 6.The Chief Educational Officer,
O/o the Chief Educational Office,
Ramanathapuram District, Ramanathapuram.

+1CC to M/S.Ajmal Associates Sr.No.46260

GJM/SKS/RR/19.9.16-5p-8c

W.P (MD) Nos.15069 to 15071 of 2016
and

W.M.P. (MD) Nos.11102 to 11104 of 2016
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