



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

C O R A M

WEB COPY

THE HONOURABLE Dr.JUSTICE S.VIMALA

Writ Petition (MD) No.18188 of 2016
and
W.M.P. (MD) No.13117 of 2016

P.Selvakumari .. Petitioner

Vs.

- 1.The District Elementary Educational Officer,
Virudhunagar District, Virudhunagar.
- 2.The Assistant Elementary Educational Officer,
Kariapatti, Virudhunagar District.
- 3.The Correspondent,
Amala Higher Secondary, Amala Primary School,
K.Sevalpatti, Kariapatti,
Virudhunagar District.
- 4.The Headmaster,
S.A.V. Sala Middle School,
Mudhalipatti, Sivakasi,
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 1st respondent to consider the petitioner's representation dated 04.07.2016 and pass order of transfer to the petitioner from the 4th respondent school to the 3rd respondent school as a Secondary Grade Assistant Teacher within a stipulated time.

For petitioner	... Mr.S.Lingarasu
For Respondents	... Mr.S.Chandrasekar
	Government Advocate

O R D E R

This is a writ of mandamus seeking direction to the first respondent to consider the representation of the petitioner, dated



2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The petitioner was appointed to the post of Secondary Grade Teacher by the first respondent on 13.09.2002. On the very same date, the petitioner joined in the service. Thereafter, the first respondent transferred the petitioner from the third respondent school to fourth respondent school by the proceedings dated 17.03.2005. For the past 11 years, the petitioner is serving in the fourth respondent school without any blemish on record and without any allegation. There is a vacancy, which is likely to arise in the third respondent school from 18.07.2016. Therefore, the petitioner made a representation to the respondents seeking transfer from the fourth respondent school to the third respondent school. As there was no response, this writ petition has been filed.

4. The learned Government Advocate would submit that only if the proposal for transfer is accepted by the school committee of the third respondent, then the transfer is likely to be considered. That objection is on a procedural background and it is for the third respondent to look into that aspect.

5. The grievance of the petitioner is that petition for request has to be considered by the first respondent, who is stated to be the competent authority. Therefore, the first respondent is directed to consider the request of the petitioner in accordance with law and on merits, within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

rj2

To

1. The District Elementary Educational Officer,
Virudhunagar District, Virudhunagar.

2. The Assistant Elementary Educational Officer,
Kariapatti, Virudhunagar District.

+1CC to Mr.S.Lingarasu, Advocate Sr.No.55805

+1CC to Spl.Government Pleader Sr.No.56102

GJM/SKS/RR/17.10.16-2p-5C

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