



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.21184 of 2016

and

W.M.P (MD) No.15136 of 2016

V.Merlin Viji

: Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

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

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in O.Mu.No.017149/C3/E2/2016 on the file of the first respondent dated 04.04.2016 and quash the same as illegal and consequently for a direction directing first respondent to transfer the petitioner to Government Higher Secondary School, Chettikulam, Tirunelveli District within the time period stipulated by this Court.

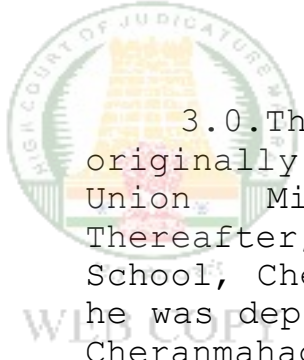
For Petitioner : Mr.S.Louise

For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus praying to quash the impugned order dated 04.04.2016 passed by the first respondent and consequently to direct the first respondent to transfer the petitioner to Government Higher Secondary School, Chettikulam, Tirunelveli District.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.



3.0.The case of the petitioner is that the petitioner was originally appointed as B.T. Assistant (Mathematics) at Panchayat Union Middle School, Sevvaipatti, Pudukottai District. Thereafter, she was transferred to Government Higher Secondary School, Chettikulam on 18.07.2013. On the ground of surplus post, he was deployed/transferred to Government Higher Secondary School, Cheranmahadevi, Tirunelveli District, on 31.08.2015.

3.1.The petitioner made a representation to the first respondent seeking to consider her request for transfer arising in the vacancy at Government Higher Secondary School, Chettikulam. As the same was not considered, she filed W.P(MD)No.4083 of 2016, in which, the first respondent therein was directed to consider the petitioner's representation. Accordingly, the representation was considered and the first respondent passed an order stating that her claim would be considered only at the time of Annual General Counselling.

3.2.It is alleged that, in view of the change in circumstances, namely, on account of sudden demise of one Mr.W.S.Joshva, B.T. Assistant (Mathematics), on 22.10.2016, the petitioner is making a claim that her request for transfer should be considered favourably by the first respondent. So stating, this writ petition has been filed.

4.The learned Special Government Pleader would submit that it is agreeable for the respondents to consider the representation of the petitioner and to pass appropriate orders.

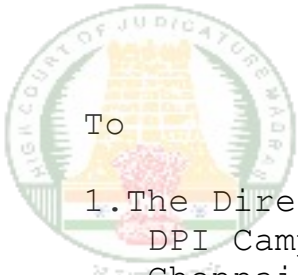
5.On account of the change in circumstances, the petitioner is directed to submit a representation to the first respondent seeking her claim for transfer on account of the vacancy arising on account of death of Mr.W.S.Joshva, B.T. Assistant (Mathematics), within a period of one week from today and the first respondent shall consider the representation of the petitioner and pass orders, without reference to the impugned order dated 04.04.2016, within a period of four weeks, thereafter.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar



To

1.The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

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

+1 cc to The Special Government Pleader in SR.No. 66618

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No. 66132

smn

CSL/SS-2/22.11.2016: 3P/5C

**ORDER MADE IN
W.P (MD) No.21184 of 2016
and
W.M.P (MD) No.15136 of 2016
04.11.2016**