



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2016

CORAM:

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.22023 of 2016

&

W.M.P(MD) NOS.15730 & 15731 of 2016

T.Paulraj

... Petitioner

-vs-

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

2.The Director of School Education,
Office of the Directorate of School Education,
DPI Complex, Chennai.

3.The Joint Director of School Education,
(Higher Secondary) Office of the Joint
Directorate of School Education,
Chennai - 6.

4.The Chief Educational Officer,
Office of the Chief Educational Office,
Nagercoil - 629 001.
Kanyakumari District.

5.The Chief Educational Officer,
Office of the Chief Education,
Ramanathapuram
Ramanathapuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to transfer and post the petitioner as P.G.Assistant (Physics) in any available vacancy in Kanyakumari district on preferential basis in respect of the academic year 2015-2016 as was granted in respect of the last academic year vide G.O.(ID)No.137 School Education Department, dated 09.06.2014 and in the light of the proceedings issued by the 3rd respondent in Na.Ka.No.47918/W2/E2/2014 dated 23.06.2014 in respect of the similarly placed person like the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner
For Respondents

: Mr.R.Russel Raj
: Mr.T.S.Mohammed Mohideen
Additional Government Pleader

**O R D E R**

This writ of mandamus has been filed, seeking a direction to the respondents to transfer and post the petitioner as P.G.Assistant (Physics) in any available vacancy in Kanyakumari District on preferential basis in respect of the academic year 2015-2016 in the light of G.O.(ID)No.137 School Education Department dated 09.06.2014 and also in the light of the proceedings issued by the third respondent in Na.Ka.No.47918/W2/E2/2014 dated 23.06.2014.

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

3.The learned Additional Government Pleader submitted that G.O.(ID)No.137 School Education Department dated 09.06.2014 is applicable only for the academic year 2015-2016 and in respect of the academic year 2016-2017, the relevant Government Order is G.O.(1D)No.258, School Education Department dated 06.07.2016.

4. The learned counsel for the petitioner submitted that when a joint application was submitted by seven P.G. Assistants (Physics), out of seven P.G. Assistants, the claim of six of them has been considered and the petitioner alone was singled out and it amounts to discrimination and denial of equal protection. Hence, this writ petition has been filed seeking a direction to the respondents as mentioned above.

5. The learned Additional Government Pleader for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner, in the light of G.O.(1D)No.258, School Education Department dated 06.07.2016.

6. Under such circumstances, the third respondent is directed to consider the representation of the petitioner, in the light of the discrimination alleged, as well as in the light of G.O.(1D)No.258, School Education Department dated 06.07.2016 and to pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of with the above direction. No costs. Consequently, W.M.P (MD) Nos.15730 and 15731 of 2016 are closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/



To

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

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Kanyakumari District.

5.The Chief Educational Officer,
Office of the Chief Education,
Ramanathapuram
Ramanathapuram District.

+1 cc to M/s.R.Russel Raj, Advocate in SR.No.71500

+1 cc to Special Government Pleader in SR.No.71640

mj

TTN/10.01.2017 : 3P-8C

W.P (MD) No.22023 of 2016
22.11.2016