



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.11.2016

CORAM :

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.(MD)No.22571 of 2016
& W.M.P.(MD) No.16150 of 2016

Sreeja V.P.

... Petitioner

vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 9
2. The Director of School Education,
O/o. The Directorate of School Education,
Chennai 600 006
3. The Joint Director of School Education
(Higher Secondary),
O/o. The Directorate of School Education,
Chennai 600 006
4. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Namakkal, Namakkal District
5. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Nagercoil, Kanyakumari District
6. D.Jeevdoss
7. M.Annie Freeda
8. C.R.Sudha Kumari
9. T.Kala

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Declaration, declaring the transfer and posting of respondents 6 to 9 to the native district of Kanyakumari as P.G., Assistants in Physics, neglecting the petitioner, who is senior to respondents 6 to 9 as illegal and consequently to direct respondents 3 and 4 to transfer and post the petitioner as the P.G. Assistant in Physics in any of the available vacancy within the native / Kanyakumari District, on preferential basis within the time stipulated by this Court.

For Petitioner : Mr. T.Lajapathi Roy

For Respondents : Mr. T.S.Mohamed Mohideen, AGP.,
for R-1 to R-5

ORDER

THIS writ petition has been filed by the petitioner seeking for a declaration that the transfer and posting of respondents 6



to 9 to Kanyakumari District, as P.G., Assistants in Physics and consequently to direct respondents 3 and 4 to transfer and post the petitioner as P.G. Assistant in Physics, in any of the available vacancy within the native / Kanyakumari District.

2. Mr. T.S.Mohamed Mohideen, learned Additional Government Pleader, accepts notice for the respondents.

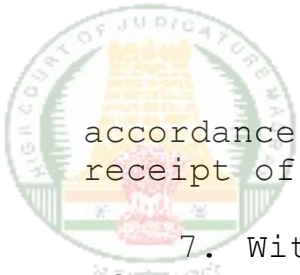
3. It is the case of the petitioner that, on 19.07.2002, she was appointed as the Block Resource Teacher Educator at the Cheranmahadevi Block, Tirunelveli District. On 28.07.2006, the petitioner was given promotion to the post of P.G.Assistant (Physics) and was posted in Thillai Vilagam Government Higher Secondary School, Thiruvavur District. From 28.12.2013, she was transferred on deployment to Kumarapalayam Government Girls Higher Secondary School, Namakkal District and she joined duty there and serving as P.G. Assistant (Physics). On 21.08.2015, the petitioner approached the third respondent, by way of a representation, ventilating her grievance for transfer to her native place at Kanyakumari District.

3.1. The third respondent has forwarded the representation of the petitioner to the fourth respondent and due to non-availability of the vacancies to the post of P.G. Assistant (Physics), the petitioner could not get any transfer. On 21.08.2016, in the on-line counselling, though it was shown as no vacancies to the post of P.G.Assistant in Physics, in Kanyakumari District, respondents 6 to 9, who are juniors to the petitioner, were given transfer and posting to Kanyakumari District. Aggrieved over the same, this writ petition has been filed by the petitioner.

4. The learned counsel appearing for the petitioner, at the outset, submitted that though larger prayer has been sought for by the petitioner, it would be suffice if the representation of the petitioner dated 21.08.2015 is considered and disposed of by respondents 3 and 4.

5. Having regard to the limited prayer sought for, it is not necessary to issue notice to respondents 6 to 9 (as the matter is not decided on merits). However, if need be, the respondents 3 and 4, at the time of considering the representation of the petitioner, may issue notice to the respondents 6 to 9.

6. Considering the said submission made by the learned counsel for the petitioner, without expressing any opinion on the merits or otherwise of the matter, the third respondent / Joint Director of School Education, Chennai, is hereby directed to consider the request of the petitioner, for transfer to her native place at Kanyakumari, as P.G. Assistant in Physics, on merits and in



accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary, State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 9
2. The Director of School Education,
O/o. The Directorate of School Education, Chennai 600 006.
3. The Joint Director of School Education
(Higher Secondary),
O/o. The Directorate of School Education, Chennai 600 006.
4. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Namakkal, Namakkal District.
5. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Nagercoil, Kanyakumari District.

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No. 74149

+1 cc to The Special Government Pleader in SR.No. 74208

srk

GJM/MR/09.02.2017 :3P/8C

W.P. (MD) No.22571 of 2016
& W.M.P. (MD) No.16150 of 2016
29.11.2016