



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **03.03.2016**

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA
W.P(MD)No.2591 of 2016

WEB COPY

and
W.M.P(MD)Nos.2301 and 2302 of 2016

M.Sathiyamoorthy

... Petitioner

Vs.

1.The Joint Director of Elementary Education,
DPI Campus, College Road,
Chennai.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Dindigul District.

4.The District Educational Officer,
Palani, Dindigul District.

5.Palani Madanisa Muslim Higher Secondary School,
Represented by its Correspondent,
Palani - 624 601.

6.Kalaimagal Higher Secondary School,
Represented by its Correspondent,
Vadamadurai, Palani District.

... Respondents

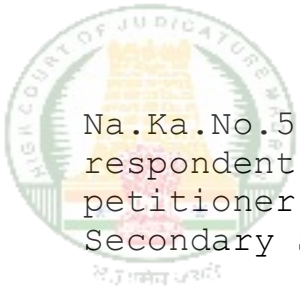
Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed in Na.Ka.No.5108/A2/2015, dated 05.01.2016 passed by the third respondent and quash the same and consequently directing the official respondents to transfer the petitioner to a nearby school preferably Guruvappa Higher Secondary School, Neikaranpattai.

For Petitioner
For R-1 to R-4

: Mrs.S.Srimathy
: Mr.V.Muruganandham,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order in



Na.Ka.No.5108/A2/2015, dated 05.01.2016 passed by the third respondent and to direct the official respondents to transfer the petitioner to a nearby school preferably Guruvappa Higher Secondary School, Neikaranpattai.

2. The case of the petitioner is that he joined as B.T. Assistant on 02.08.20004 in the fifth respondent Institution. While so, considering the Teachers-Students ratio, the impugned order was passed by the third respondent. based on the strength of the proceedings of the second respondent. According to the petitioner, the impugned order is repugnant to G.O.Ms.No.525 School Education(D1) Department, dated 29.12.1997, which came into effect after accepting the recommendations made after due deliberations and directions held by the High Power Official Norms Committee for assessment of granting teaching Post. The official respondents had come to the conclusion that the fifth respondent school had excess strength and thereby transferred four teachers to nearby schools. However, vide the impugned order, two teachers were transferred to Guruvappa High School, which is 6 kms., away from the fifth respondent school and one person was transferred to Srimular High School, which is 1 km., away from the fifth respondent school. But, unfortunately, the petitioner was transferred to the sixth respondent school, which is 6 kms., away from the fifth respondent school. The petitioner has also expressed certain personal inconvenience for reporting to the said school, which is 70 kms., away. It is also pointed out that Guruvappa High School has got vacancies even today and the petitioner can be considered for posting there. To that effect, the petitioner had made a representation on 01.02.2016. Though the petitioner had originally sought for Certiorarified Mandamus to quash the impugned proceedings in Na.Ka.No.5108/A2/2015, dated 05.01.2016 passed by the third respondent, as he joined the transferee school, the petitioner restricts his prayer only to consider his representation, dated 01.02.2016 to re-transfer him or posting to Guruvappa High School.

3. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the case, the respondents are directed to consider his representation, dated 01.02.2016 in posting the petitioner in Guruvappa School subject to availability of vacancy, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar (Crl.Side)



To

1. The Joint Director of Elementary Education,
DPI Campus, College Road,
Chennai.

2. The Director of School Education,
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Chennai - 600 006.

3. The Chief Educational Officer,
Dindigul District.

4. The District Educational Officer,
Palani, Dindigul District.

+One CC to M/s.S.M.S. Johnny Basha, Advocate in Sr.No.12290

+One CC to the Special Government Pleader in Sr.No.12485

CN/SKN-SK/15.03.2016/3P-7C

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