



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.5363 of 2016
and
W.M.P (MD) No.4813 of 2016

T.Jeeva Doss

... 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,
O/o.the Directorate of School Educational Office,
DPI Compound,
Chennai.
3. The Joint Director School Education(Higher Secondary),
O/o.the Joint Directorate School Educational Office,
Chennai - 600 006.
4. The Chief Educational Officer,
O/o.the Chief Educational Office,
Nagercoil - 629 001,
Kanyakumari District.
5. The Chief Educational Officer,
O/o.the Chief Educational Office,
Dindigul District,
Dindigul.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to transfer and post the petitioner as P.G. Assistant(Physics) in the available vacancy at Government Higher Secondary School, Kottaram, Kanyakumari District in conformity with the order issued by the second respondent vide his proceedings in ஒ.மு.எண்.064742/பிள்யு2/2015 dated 16.12.2015 by considering the petitioner's representation, dated 04.01.2016 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader



ORDER

Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents.

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2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioner is working as P.G. Assistant(Physics) at Government Higher Secondary School, Kosukurichi, Natham Block, Dindigul District. He was transferred to the said place on account of administrative reason. Though the petitioner claims that he is entitled to post at his native place, as there is no vacancy at that point of time to accommodate him, he was transferred out of the native place. It was also assured that whenever the vacancy arises, he would be accommodated.

4. The Government vide G.O(1D).No.137 School Education Department, dated 09.06.2014 had given preference to those who were posted outside the native District on account of some administrative reasons. Based on that, the petitioner had also submitted his application seeking transfer on preference basis in terms of G.O.(1D).No.137 School Education Department, dated 09.06.2014.

5. The petitioner claims that similarly placed persons like him were transferred on preference basis. Subsequent to the above, according to the petitioner nearly about six vacancies arose within the native place of the petitioner. However, he was not transferred back. Hence, the petitioner along with other three similarly placed persons filed W.P(MD)No.13782 of 2015 seeking for a Writ of Mandamus directing the respondents to transfer and post them as P.G. Assistant in any of the available vacancies at Kanyakumari District on preferential basis based on G.O(1D)No.137 School Education Department, dated 09.06.2014 and in which, this Court was pleased to direct the third respondent to consider the representation of the petitioners therein in the light of the Government Order referred to above. As there is no vacancy arose after that, no order has been passed by the third respondent. Now the grievance of the petitioner is that one Smt.K.Muthammal was retired from service on 31.12.2015 from Kottaram Government Higher Secondary School. Hence, the petitioner should be considered for transfer in the place of Smt.K.Muthammal in terms of the order passed by this Court on 13.08.2015.

6. The learned Additional Government Pleader, who takes notice on behalf of the respondents contends that earlier, Writ Petition was filed by four Teachers and now there is only one vacancy. Hence, the case of the petitioner will be considered on the basis of seniority, which is also agreeable to the petitioner.

7. Accordingly, the third and fourth respondents are directed to consider the case of the petitioner in terms of seniority and pass orders within a period of two months from the date of receipt of a copy of this order.



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

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
School Education Department,
Secretariat,
Chennai - 9.
- 2.The Director of School Education,
O/o.the Directorate of School Educational Office,
DPI Compound, Chennai.
- 3.The Joint Director School Education(Higher Secondary),
O/o.the Joint Directorate School Educational Office,
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- 4.The Chief Educational Officer,
O/o.the Chief Educational Office,
Nagercoil - 629 001,
Kanyakumari District.
- 5.The Chief Educational Officer,
O/o.the Chief Educational Office,
Dindigul District,
Dindigul.

+1 CC to M/s.Ajmal Associates, Advocate, SR No.15423
+1 CC to the Special Government Pleader, SR No.15483

W.P (MD) No.5363 of 2016
17.03.2016

pm
SH/SKS-RR:07.04.2016:3P/8C