

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P.No.7460 of 2017

D.Sivaraman

.. Petitioner

Vs.

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

2. The Joint Director (Personnel),
School Education,
DPI Campus,
College Road,
Chennai - 600 006.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to consider the representation of the petitioner dated 18.01.2017 and transfer him from the present station at Vembakkam, Thiruvannamalai District to the vacancy in the post of Superintendent in the office of the District Elementary Education Officer arising on 31.05.2017 by taking into consideration the fact that the petitioner is placed second in the seniority list that was prepared vide the proceedings in Na.Ka.No.61736/A3/E1/2016, dated 16.12.2016, and by following the station seniority amongst the applications as per the proceedings of the first respondent in Na.Ka.No.67136/A3/E1/2016 dated 21.12.2016.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

The writ petition has been filed by the petitioner seeking a direction to the respondents to consider his representation dated 18.01.2017 for transfer from the present Station at Vembakkam, Thiruvannamalai District to the vacancy existing in the Office of the District Elementary Educational Officer,

Kancheepuram.

2. The petitioner is a resident of Kancheepuram District. He was originally appointed in the post of Junior Assistant on compassionate ground, and subsequently he was promoted to the post of Desk Superintendent and now he is serving in the post of Superintendent in the Office of Assistant Elementary Educational Officer, Vembakkam, Tiruvannamalai District.

3. The learned counsel appearing for the petitioner submitted that the second respondent in his proceedings dated 16.12.2016, has enclosed the Transfer Senior List of the eligible persons as on 15.03.2016 for the post of Desk Superintendent, Steno-typist Grade I & II. In the said list, the petitioner has been shown in 2nd rank and one Geetha Ramani in the 44th rank and both of them are said to be serving in the District Elementary Educational Office, Kancheepuram.

4. It is stated by the learned counsel that the first respondent has issued proceedings dated 21.12.2016, stating that the transfer and promotion counselling will be conducted on 23.12.2016, to fill up the existing vacancies in the offices which are under his control. Thereafter, vide proceedings of the second respondent dated 23.12.2016, the petitioner was transferred to the Office of Elementary Educational Officer, Vembakkam, Tiruvannamalai as Superintendent.

5. It is contended by the petitioner that though his name has been shown in the second rank in the seniority list and one Geetha Ramani was in the 44th rank, overlooking the petitioner's seniority, Geetha Ramani, who was in the 44th rank was accommodated in Kancheepuram District. Therefore, the petitioner has given a representation dated 18.01.2017 requesting for transfer and the same was also received by the respondent. The Assistant Elementary Educational Officer, Vembakkam, has also recommended his request for transfer, which proves his request was genuine. Since no action was taken by the respondents, the petitioner has filed the present Writ Petition.

6. It is submitted by the petitioner that a vacancy appears to have arisen on 31.05.2017 in the District Elementary Educational Office, Kancheepuram, in connection with retirement of the incumbent Superintendent in the said office.

7. Mr.P.Sanjay Gandhi, learned Additional Government Pleader who accepts notice for the respondent and seeks two weeks time to consider the request of the petitioner.

8. Considering the fact that the petitioner has not challenged the promotion given to her junior Geetha Ramani and based on the recommendations made by the Assistant Elementary Educational Officer, Vembakkam, the writ petition is hereby disposed of with a direction to the respondents to consider the representation of the petitioner dated 18.01.2017 and post the petitioner in the ensuing vacancy, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ds

To:

1. The Director of School Education,
DPI Campus,
College Road, Chennai - 600 006.
2. The Joint Director (Personnel),
School Education,
DPI Campus,
College Road, Chennai - 600 006.

+1cc to the Government Pleader Sr. 19631

+1cc to M/S. Dakshayani Reddy, Advocate Sr. 19167

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AD(CO)

VR(3/5/2017)

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