

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6524 of 2017 & W.M.P. No.7030 of 2017

S. Sundari

... Petitioner

vs.

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

2 The Joint Director of School Education
DPI Campus
College Road
Chennai 600 006

3 The Chief Educational Officer
Chief Educational Office
Tirunelveli District

4 The Chief Educational Officer
Chief Educational Office
Tuticorin District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to issue transfer order for the post of Graduate Teacher (Mathematics) in the vacancies available in Government Girls Higher Secondary School, Kallanai, Tirunelveli or any other school in Tirunelveli District, before issuing transfer orders to the graduate teachers through deployment counselling to be held on 29.05.2017 and 30.05.2017.

For petitioner :Mr. J. Agni Selvaraju

For respondents :Mr. V. Anandhamoorthy
Additional Government Pleader

ORDER

Mr. V. Anandhamoorthy, learned Additional Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents 1 and 2 to issue transfer order for the post of Graduate Teacher (Mathematics) in the vacancies available in Government Girls Higher Secondary School, Kallanai, Tirunelveli or any other school in Tirunelveli District, before issuing transfer orders to the graduate teachers through deployment counselling to be held on 29.05.2017 and 30.05.2017.

3.1 At the outset, it is pertinent to point out that this is the second round of litigation by the present petitioner. Earlier, the petitioner filed W.P. No.29467 of 2016 along with one P. Jothi, who filed W.P.No.29466 of 2016.

3.2 In W.P. No.29467 of 2016, the present petitioner sought the very same relief as sought in the instant writ petition, viz., seeking a writ of mandamus directing the respondents 2 and 3 therein to issue transfer order for the post of Graduate Teacher (Mathematics) in the vacancies available in Government Girls Higher Secondary School, Kallanai or any other schools in Tirunelveli District, before issuing transfer orders to the Graduate Teachers through deployment counselling.

3.3 Likewise, in W.P. No.29466 of 2016 filed by P.Jothi, the relief sought was a writ of mandamus directing the respondents 2 and 3 therein to issue transfer order from Thoothukudi District to Tirunelveli District for the post of Graduate Teacher (English) in the vacancies available in Government Higher Secondary School, Senthamaram or Government Girls Higher Secondary School, Kallanai or Government Higher Secondary School, Kalingapatti or other schools in Tirunelveli District.

3.4 This Court, after hearing both sides, considering the fact that the petitioners had sought transfer to the nearest place and without expressing any opinion on the merits of the case, disposed of both the writ petitions by a common order dated 24.08.2016 by directing the respondents 2 and 3 therein to consider and pass orders on the petitioners' representations.

4 According to the learned counsel for the petitioner, pursuant to the aforesaid order, P. Jothi, the petitioner in W.P. No.29466 of 2016 alone was able to get transfer to Tirunelveli from Thoothukudi, whereas, the case of the present petitioner, viz., S. Sundari, alone was rejected on the ground that there was no vacancy; however, now finding out that a vacancy has arisen in the Government Girls Higher Secondary School, Kallanai, Tirunelveli District, owing to retirement of one Sheela Jothi Elizabeth, who was a Maths teacher, on 31.10.2016, the petitioner has addressed a representation on 26.01.2017 to consider her request, which remains unconsidered till date and hence, the present writ petition.

5 The learned Additional Government Pleader submitted that in the earlier round of writ petitions, when this Court directed the respondents to consider the case of both the petitioner and one P. Jothi, since only one vacancy was available when the said Jothi's representation was under consideration, her case alone was considered favourably and since there was no further vacancy, the case of the petitioner herein, viz., S. Sundari was not considered; however, depending upon the petitioner's seniority in the waiting list, her case will be considered by the respondents.

6 In view of the above submission made by the learned Additional Government Pleader, recording the same, the respondents 2 and 3 are directed to consider the case of the petitioner, subject to availability of vacancy and also her seniority in the waiting list.

With the above direction, this writ petition stands disposed of. Costs made easy. Connected W.M.P. is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

cad

To

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

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

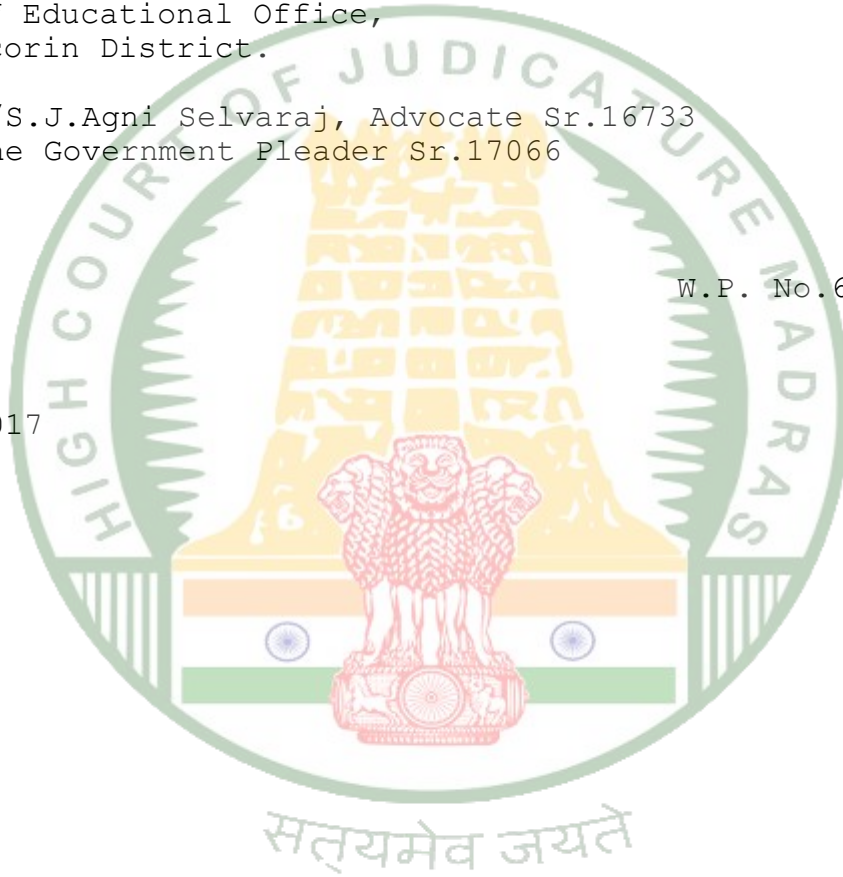
3 The Chief Educational Officer,
Chief Educational Office,
Tirunelveli District.

4 The Chief Educational Officer,
Chief Educational Office,
Tuticorin District.

+1cc to M/S.J.Agni Selvaraj, Advocate Sr.16733
+1cc to the Government Pleader Sr.17066

W.P. No.6524 of 2017

gm[co]
srg 4/4/2017



WEB COPY