

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.7.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN

W.A.No.674 of 2017
and
C.M.P.No.9553 of 2017

- 1 The State of Tamil Nadu
Rep. by its Principal Secretary to
Government,
School Education Department, Secretariat,
Fort St. George Chennai-600 009.
- 2 The Director of School Education
DPI Campus College Road
Chennai-600 006.
- 3 The Chief Educational Officer
Virudhunagar District. ...Appellants/Respondent1,2,3
/Respondents 1,2,3
- Versus
- 1 R.Radhika ... 1st Respondent/Petitioner/Petitioner
- 2 The Commissioner
Chennai Corporation, Rippon Building
Chennai-3. ... 2nd Respondent/4th Respondent/4th Respondent
- 3 The Deputy Commissioner
Chennai Corporation, Rippon Building
Chennai-3. ... 3rd Respondent/5th Respondent/5th Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 30.9.2016 passed in W.M.P.No.24379 of 2016 in W.P.28233 of 2016 on the file of this court.

W.M.P.NO.24379/2016

To pass an order of ad interim direction directing the respondents 2 to 5 to forthwith permit the petitioner to

participate in the ensuing transfer counseling for PG Assistant (English) under the 3rd respondent to be held on 20.08.2016 and 21.08.2016 in and around Virudhunagar District vacancy or any other subsequent date as may be fixed by the respondents without insisting upon the No Objection Certificate if need be for the participation in the said counselling(in WMP 24379/2016) pending finalization of the writ petition No 28233/2016 respectively)

WP.28233/2016

Directing the respondents 1 to 5 to forthwith consider the claim of the petitioner for transfer and absorption into the Tamil Nadu Higher Secondary Educational Services from Corporation without insisting upon No Objection Certificate from 4th and 5th respondents and to consequently direct the respondents to extend all service benefits of promotion on par with her Teachers Recruitment Board Batch mates

For appellants : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants.

2. The writ appeal is filed challenging the interim order passed by the learned Single Judge directing the appellants to relieve the petitioner from the School where she is working and permit her to join the School she had chosen in the transfer counseling for the post of P.G. Assistant.

3. It appears that there are two modes of transfers, one being regular transfer to the Tamil Nadu Higher Secondary Educational Service and another is with respect to Corporation Schools. It is brought to the notice of this court by the learned Special Government Pleader that the first respondent/writ petitioner, who is working in the Corporation School sought for transfer to a School under the control of Director of School Education, which, of course, being an inter-transfer, is not permissible as per G.O.Ms.No.258, School Education Department, dated 6.7.2016 and if at all, she can seek for an intra-transfer alone, viz., transfer from one Corporation School to another Corporation School and not a School under the control of Director of School Education. He would further submit that the above factual aspects had not been properly appraised before the learned Single Judge.

4. Such being the case, we are of the view that it may not be appropriate to take a decision based on the interim order and

while maintaining the status quo ante, we request the learned Single Judge to entertain the main matter on merits, taking into consideration the counter said to have been filed and pass order on merits and in accordance with law.

5. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

ssk.

To:

- 1 The Commissioner
Chennai Corporation, Rippon Building
Chennai-600 003.
- 2 The Deputy Commissioner
Chennai Corporation, Rippon Building
Chennai-600 003.
3. The Principal Secretary to Government,
The State of Tamil Nadu,
School Education Department, Secretariat,
Fort St. George Chennai-600 009.
4. The Director of School Education
DPI Campus College Road
Chennai-600 006.
- 5 The Chief Educational Officer
Virudhunagar District.

W.A.No.674 of 2017

KJ(CO)

NR 18/08/2017