

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2017

CORAM:

The Hon'ble Mr. Justice V.Parthiban

W.P. No.11657 of 2017

and

W.M.P.No.12679 of 2017

J.Maral Tamilarasi

..Petitioner

..Versus..

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

2.Chief Educational Officer,
Thiruvallur District,
Thiruvallur

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to transfer back the petitioner to Government Higher Secondary School, Puzhal, in the existing vacancy to the post of BT Assistant (English) on regular basis by considering the representation submitted by the petitioner dated 25.07.2016, within a time frame.

For Petitioner : Mr.G.Sankaran

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

O R D E R

Heard Mr.G.Sankaran, the learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who accepts notice on behalf of respondents. With their consent, the main Writ Petition is taken up for final disposal, even at the stage of admission.

2. The petitioner has filed this Writ Petition seeking for issuance of a Writ, in the nature of mandamus, directing the respondents to transfer her to the Government Higher Secondary School, Puzhal, and to post her in the existing

vacancy arisen to the post of BT Assistant (English) on regular basis by considering her representation, dated 25.07.2016.

3. The case of the petitioner, as stated in the affidavit, filed in support of this Writ Petition in short as follows:-

i) The petitioner was appointed as BT Assistant in School Education Department, on 27.02.2009, and posted at Guruvoyal Government High School, Guruvoyal, Tiruvallur District. Subsequently, she was transferred to Government Higher Secondary School, Puzhal. While she was working there, the second respondent, vide proceedings, dated 26.08.2015, redeployed her to Government Higher Secondary School, at Vidaiyar. The petitioner states that, a vacancy to the said Post in the Government Higher Secondary School, Puzhal, has arisen due to retirement of one Premalatha. After the retirement of the said Premalatha, the petitioner submitted a representation, dated 25.07.2016, to the first respondent/Director of School Education, Chennai, to transfer her back to Government Higher Secondary School, Puzhal, in the existing vacancy to the post of BT Assistant (English). Since the said representation has not evoked any response, the petitioner is constrained to file this Writ Petition.

4. The learned counsel appearing for the petitioner has brought to the knowledge of this Court, the order passed by the Government, vide proceedings, dated 19.04.2017, in G.O.(1D) No.256 of School Education [SC5(1)] Department, whereby and whereunder, it is stated that Counselling for Transfer is going to be conducted, and so far as counselling concerning petitioner's post is concerned, it is to be commenced from 26.05.2017. Therefore, the learned counsel prays that appropriate direction may be issued to the respondents, to permit the petitioner to take part in the counselling and consider her request for transfer on the basis of her representation, dated 25.07.2016.

5. In view of the limited prayer sought for by the petitioner, this Court, without going into the merits of the contentions raised by the petitioner, either in the representation or in the Writ Petition, directs the second respondent to permit the petitioner to participate in the

counselling and also consider her representation, dated 25.07.2016, seeking for transfer, on merits and in accordance with law, and pass suitable orders and communicate the decision taken to the petitioner. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

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

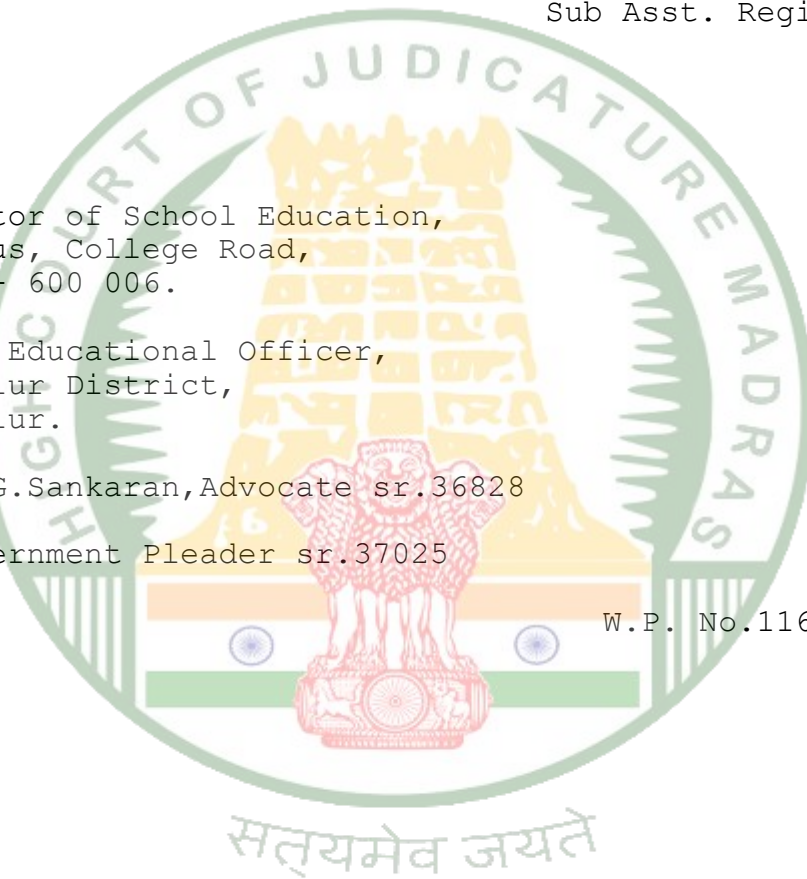
2.The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

+1cc to Mr.G.Sankaran,Advocate sr.36828

+1cc to Government Pleader sr.37025

W.P. No.11657 of 2017

mg(co)
ss(7/7/2017)



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