

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2017

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Petition No. 13458 of 2017
& WMP.No.14510 & 14511 of 2017

R.Jeeva

.. Petitioner

-Vs-

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
2. The District Elementary Educational Officer,
Krishnagiri District,
Krishnagiri.
3. The Assistant Elementary Educational Officer,
Kaveripattinam Union,
Krishnagiri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 3rd respondent in Na.Ka.No.45/A1/2017 dated 19.05.2017 and to quash the same and consequently directing the respondents to permit the petitioner to seek transfer during General Transfer for the Academic Year 2017-18 based on her seniority and priority category and thereby allow the petitioner to join the post of Primary School Headmaster, Panchayat Union Primary School, First Ward, Kaveripattinam Union with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.R.Rajeswaran
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents and with their consent, the main writ petition itself is taken up for disposal.

2.1.The petitioner has filed this writ petition seeking a direction to call for the records relating to the impugned proceedings issued by the third respondent in Na.Ka.No.45/A1/2017 dated 19.05.2017 and to quash the same and consequently direct the respondents to permit the petitioner to seek transfer during General Transfer for the Academic year 2017-18 based on her seniority and priority category and thereby allow the petitioner to join the post of Primary School Headmaster, Panchayat Union Primary School, First Ward, Kaveripattinam Union with all consequential and other attendant benefits.

2.2. It is the case of the petitioner that she was appointed as Secondary Grade Teacher on 20.12.1989 and promoted as Primary School Headmaster on 08.06.2005 in Kaveripattinam Union. Thereafter, she was transferred on 23.12.2011 to the Panchayat Union Primary School, Kamaraj Nagar. While so, a criminal case had been registered against the petitioner based on the complaint dated 28.07.2014 and in pursuance of the same, she was suspended from service. However, no charge memo was framed. After due enquiry, the second respondent by proceedings in Na.Ka.No.2767/A3/2014, dated 24.07.2015, had cancelled the suspension and re-instated the petitioner into service.

2.3. On 19.04.2017, the School Education Department issued orders for conducting transfer counselling for the Academic Year 2017-18 and the same was scheduled to be held on 24.05.2017. The petitioner also submitted an application for the same. However, the third respondent, in his proceedings in Na.Ka.No.45/A1/2017, dated 19.05.2017, had rejected the said application, stating that charges under Rule 17(b) is pending against the petitioner. Hence, the petitioner has come up with the present writ petition with the aforesaid prayer.

3.Since it has been wrongly observed in the communication dated 19.05.2017, that specific charges under Rule 17(b) against the petitioner is pending, this Court is of the view that the petitioner's application for transfer is to be considered. In view of the same, the respondents are directed to consider the request of the petitioner for transfer and pass appropriate orders on merits within a period of two weeks, from the date of receipt of a copy of this order.

This writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar/VO

//True Copy//

Sub Assistant Registrar

To

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
2. The District Elementary Educational Officer,
Krishnagiri District,
Krishnagiri.
3. The Assistant Elementary Educational Officer,
Kaveripattinam Union,
Krishnagiri District.

+1 CC to The Govt. Pleader sr 38163
+1 CC to Mr. G. Sankaran, Advocate sr 38032

W.P.No.13458 of 2017

PA(CO)
sp/31/5

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