



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
AND

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.A. (MD) No. 1199 of 20167

and

C.M.P. (MD) No. 8409 of 2017

1.B.L.Nandakumar .. Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the Secretary,
BC, MBC & Minorities Welfare Department,
Secretariat, Chennai - 9.

2.The Commissioner,
Directorate of MBC & DNC Department,
Ezhilagam, Chepauk,
Chennai - 5.

3.The Joint Director,
Kallar Reclamation,
Madurai - 20.

4.The Superintendent,
Kallar Reclamation,
Directorate of MBC & DNC Department,
Ezhilagam, Chepauk,
Chennai - 5.

... Respondents/Respondents

PRAYER: Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 06.06.2017 in W.P.(MD) No.10302 of 2017 and allow the writ appeal as prayed for.

Prayer in WP(MD). 10302/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus or any other appropriate writ, order or direction to call for the records pertaining to the impugned memorandum of the 2nd respondent vide B2/1457/2016 dated 21.04.2017 and quash the same and further directed the 2nd and 4th respondent to issue appropriate orders to transfer the petitioner to the existing post of Post Graduate Teacher (English) in Government Kallar Girls Hr.Sec.School, Checkanurani, Madurai district and render the monetary benefits due to him from 26.08.2016 until the issuance of order.



For Appellant : Mr.N.Karthik Kanna

For Respondents : Mr.M.Govindan, Spl.G.P.

JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The writ petitioner challenges the dismissal of W.P.(MD) No.10302 of 2017 by order dated 06.06.2017.

2.The writ petitioner is employed as Post Graduate Teacher (English) in Kallar Reclamation School, Madurai District. When the third respondent published a notification dated 09.08.2016, inviting applications for general transfer counselling for teachers, who were working in various Kallar Reclamation Schools in Madurai, Theni and Dindigul, the appellant herein gave preference to transfer him to Government Kallar Girls Higher Secondary School, Checkanurani, Madurai District. His request was however rejected. Challenging the rejection of his request to post him in Government Kallar Girl Higher Secondary School, Checkanurai, he filed W.P.(MD) No.10302 of 2017. The learned Judge by order dated 06.06.2017 dismissed the writ petition. Aggrieved by the same, the present writ appeal has been filed.

3.Heard the learned counsel for the appellant and the learned Special Government Pleader for the respondents.

4.The learned Special Government Pleader drew the attention of this Court to G.O.Ms.No.32, dated 05.08.2016 issued by the department of Backward Classes, Most Backward Classes and Minorities Welfare. It is specifically mentioned that the vacancies arising in the Government Girls High Schools or Higher Secondary Schools shall be filled up only by female candidates. This being a policy decision of the Government, the question of interfering with such a policy by this Court does not arise. The writ petitioner has not questioned the State Government. In any event, the writ petitioner cannot insist that he should be posted in a particular school. It is a matter for the department to decide. This Court finds that the stand of the department that the vacancies in Girls High School and Girls Higher Secondary School shall be filled up only by lady teachers is a reasonable one. The reasons given by the learned Single Judge for dismissing the writ petition are sound. We find no merit in this writ appeal.

5.The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

/True copy/



To

1.The Secretary,
State of Tamil Nadu,
BC, MBC & Minorities Welfare Department,
Secretariat, Chennai - 9.

2.The Commissioner,
Directorate of MBC & DNC Department,
Ezhilagam, Chepauk,
Chennai - 5.

3.The Joint Director,
Kallar Reclamation,
Madurai - 20.

4.The Superintendent,
Kallar Reclamation,
Directorate of MBC & DNC Department,
Ezhilagam, Chepauk,
Chennai - 5.

+1cc to Mr.N.KARTHIK KANNA,Advocate,SR. 77807

+1cc to M/S.Special Government Pleader,SR. 78612

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and
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ARUL/SKM

KK/GT/SAR 2/28.09.2017/ 3P- 7C