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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15487 of 2017

and WMP No.12260 of 2017

Sreeja V.P.

... Petitioner

Vs.

1. The State of Tamilnadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai.
2. The Director of School Education,
O/o. The Directorate of School Education,
Chennai.
3. The Joint Director of School Education,
(Higher Secondary)
O/o. The Directorate of School Education,
chennai.
4. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Namakkal, Namakkal District.
5. The Chief Educational Officer,
O/o. The chief Educational Officer,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent Nos.2 and 3 to transfer and post the petitioner as the P.G. Assistant in Physics in the available vacancy within the native/Kanyakumari District on preferential basis within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Guru

Additional Government Pleader

**ORDER**

By consent of both sides, this writ petition itself is taken up for final disposal.

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2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The petitioner is serving as P.G. Assistant in Physics Department in Kumarapalayam Girls Higher Secondary School, Namakkal District from 03.12.2013. As she was given promotion to the post of P.G Assistant Physics, posted at Thillai Vilagam Government Higher Secondary School, Thiruvarur District, on 28.07.2006. After two years, she was posted as Media Documentation Officer at the Additional Chief Educational Officer (SSA), Nagercoil, which is also P.G level cadre and from there, she was transferred on deployment to the present School. In the year 2015, when counselling took place, the petitioner approached the third respondent with a representation dated 21.08.2015. However, it is stated that no order has been passed thereon. It is also stated that in the year 2016, when counselling commenced, the petitioner gave another application for transfer on preferential basis and the same is pending with the respondents.

4. However, similarly placed, P.G. Assistants, who have deployed from the native/Kanyakumari District along with the petitioner herein approached this Court with Writ Petitions in W.P.(MD) Nos.13778 to 13782 of 2015 seeking a direction to the 2nd respondent to consider their representations and this Court, vide order dated 13.08.2015, directed the respondents to consider their representations on merits and in the light of G.O.Ms.No.(1D) 137 School Education Department dated 09.06.2014. But the petitioner was not considered in spite of the order passed in the said writ petitions. Hence, the petitioner has filed another Writ Petition in W.P.No.12571/2016 seeking declaration to declare the transfer and posting of the juniors ahead of the petitioner as illegal. However, this Court by order dated 19.11.2016 directed the respondent No.3 to consider the request of the petitioner for transfer to her native place as P.G. Assistant Physics on merits. Subsequently, the third respondent has passed an order stating that there are no vacancies. It is contended that thereafter, it has been found that four vacancies in the post of P.G. Assistant are available and therefore, the petitioner is before this Court with this writ petition with the aforesaid prayer.

5. The learned Additional Government Pleader has also confirmed the submission of the learned counsel for the petitioner that there are vacancies in the Kanyakumari District.

