



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15913 of 2017

and

W.M.P. (MD) Nos.12572 and 12573 of 2017

T.Paulraj

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
2. The Director of School Education,
Office of the Directorate of School Education,
DPI Complex, Chennai.
3. The Joint Director of School Education,
(Higher Secondary)
Office of the Joint Directorate of School
Education, Chennai - 6.
4. The Chief Educational Officer,
Office of the Chief Education,
Nagercoil - 629 001, Kanyakumari District.
5. The Chief Educational Officer,
Office of the Chief Education,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents herein to transfer and post the petitioner as P.G. Assistant (Physics) in any available vacancy in Kanyakumari District on preferential basis in respect of the proceedings of the third respondent in Na.Ka.No.079199/W2/E1/2016, dated 24.04.2017.

For Petitioner

: Mr.R.Russel Raj

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.K.Guru

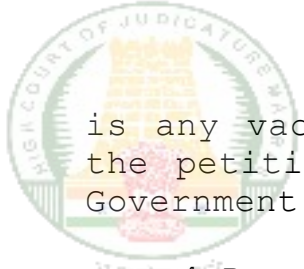
Additional Government Pleader

**O R D E R**

After participating in the written examination, the petitioner was selected and initially appointed as Block Resource Teacher Education [hereinafter referred to as 'BRTE'] in the cadre of B.T. Assistant on 26.03.2003 at Block Resource Centre, Melpuram, Kanyakumari District, through the Teachers Recruitment Board. Subsequently, he was transferred and posted as BRTE, Killiyoor, Kanyakumari District, on 05.05.2007. After considering his satisfactory performance, on 08.10.2007, he was promoted as P.G. Assistant at Government Higher Secondary School, Katharipulam, Nagapattinam District. The petitioner also gave his willingness to work continuously as a BRTE in the cadre of P.G. Assistant. Accepting his willingness, he was posted as BRTE in the cadre of P.G. Assistant at Block Resource Centre, Killiyoor, Kanyakumari District. While being so, the post of BRC Supervisor was abolished. As a result, the petitioner was posted as P.G. Assistant (Physics) at Government Higher Secondary School, Kadukkai Valasai, Ramanathapuram, Ramanathapuram District, on 28.12.2013 and since then, he has been working as such and gave a representation, dated 14.08.2017, to the respondents 3 and 4 for his transfer back to his native District, but till date, they have not come forward to consider the request of the petitioner.

2. Taking support from G.O.(1D)No.137, School Education Department, dated 09.06.2014, which gives preference in respect of the teachers, who were transferred outside the native District from the post of BRC Supervisor/P.G. BRTE, the learned counsel appearing for the petitioner submitted that on the basis of the said Government Order only, a representation was given by the petitioner seeking to transfer him to his native District on preferential basis, but the same was not considered by the respondents so far. He further submitted that in similar circumstances, this Court vide order dated 07.09.2017, in W.P.(MD) No.15487 of 2017 [Sreeja V.P. Vs. The State of Tamil Nadu, Rep. by its Principal Secretary, Department of School Education, Chennai and others] accepting the aforesaid Government Order, directed the respondents therein to consider the case of the petitioner therein in the available vacancies in Kanyakumari District, within a period of four weeks from the date of receipt of a copy of that order, therefore, a similar direction may also be given to the respondents herein to consider the case of the petitioner herein, since there are four P.G. Assistant [Physics] vacancies available in Kanyakumari District.

3. Mr. K. Guru, learned Additional Government Pleader appearing for the respondents submitted that the petitioner was deployed from Block Resource Centre, Killiyoor, Kanyakumari District to Government Higher Secondary School, Kadukkai Valasai, Ramanathapuram, Ramanathapuram District on 28.12.2013 and if there



is any vacancy available in Kanyakumari District, the request of the petitioner would be considered in the light of the aforesaid Government Order.

4. Recording the abovesaid submission made by the learned Additional Government Pleader, the respondents are directed to consider the case of the petitioner, if there is any vacancy available in Kanyakumari District, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 9.
2. The Director of School Education,
Office of the Directorate of School Education,
DPI Complex, Chennai.
3. The Joint Director of School Education,
(Higher Secondary)
Office of the Joint Directorate of School
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4. The Chief Educational Officer,
Office of the Chief Education,
Nagercoil - 629 001, Kanyakumari District.
5. The Chief Educational Officer,
Office of the Chief Education,
Ramanathapuram,
Ramanathapuram District.

+1cc to M/s.R.Russel Raj, Advocate, in SR No.79474

+1cc to Special Government Pleader in SR.No.79592

W.P. (MD) No.15913 of 2017
18.09.2017