



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2017

CORAM

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.8781 of 2017

and

W.M.P.(MD) No.6734 of 2017

P.G.Girija

... Petitioner

-vs-

1. The Joint Director of School Education (Personnel),
O/o. The Joint Directorate of School Education Department
Chennai - 6.

2. The Chief Educational Officer,
O/o. The Chieft Educational Office,
Tanjavur,
Tanjavur District.

3. The District Educational Officer,
O/o. The District Educational Office,
Tanjavur, Tanjavur District.

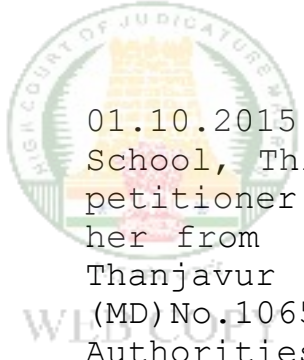
... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, direct the 1st respondent to transfer the petitioner as B.T.Assistant (Science) from R.K.R.Government Higher Secondary School, Thirucharai, Thanjavur District to Government Higher Secondary School, Ayyampettai and by considering her representation dated 27.03.2017 within the stipulated period as fixed by this Court.

For Petitioner : Mr.Mohammed Imran
for M/s Ajmal Associates
For Respondents : Mr.D.Muruganandham,
Additional Government Pleader

O R D E R

The petitioner was suspended from service, since there was a criminal case against her in Cr.No.321 of 2010. Thereafter, the petitioner was acquitted in the criminal case viz., C.C.No.40 of 2012 (Cr.No.321 of 2010) by the learned Judicial Magistrate, Tanjavur, by order dated 22.07.2014. After the acquittal of the petitioner, she was reinstated into service by order dated



01.10.2015. She was posted in R.K.R. Government Higher Secondary School, Thirucharai, Thanjavur District. After reinstatement, the petitioner gave a representation dated 06.05.2016 for transferring her from R.K.R. Government Higher Secondary School, Thirucharai, Thanjavur District to any other school and thereafter filed W.P. (MD)No.10659 of 2016, in which this Court had directed the Authorities to consider her representation dated 06.05.2016 and pass orders.

2. The Authorities considered her representation and passed the order dated 12.08.2016 stating that there are no other vacancies anywhere else and therefore, her request for transfer was rejected. Now the petitioner has again given a representation, dated 27.03.2017, stating that there are four vacancies available.

3. In the considered opinion of this Court, no Government servant can claim transfer as a matter of right. It is for the Authorities to consider the request for transfer on a case to case basis depending upon the exigency of the situation. Therefore, this Court cannot direct the Authorities to transfer the petitioner as requested by her from R.K.R. Government Higher Secondary School, Thirucharai, Thanjavur District .

4. The learned Counsel for the petitioner submitted that the petitioner has given a representation dated 27.03.2017 to the Authorities.

5. The learned Additional Government Pleader submitted that he has no instructions as to whether the said representation was received by the Authorities or not.

6. Therefore, this Court directs the respondents to check up if the representation dated 27.03.2017 that has been kept in the typed set of papers has been actually sent by the petitioner and received by them. If the same is received by them and is available in their file, they may consider the same and pass appropriate orders expeditiously.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Vacation Officer

/True Copy/



To

1. The Joint Director of School Education (Personnel),
O/o. The Joint Directorate of School Education Department
Chennai - 6.

2. The Chief Educational Officer,
O/o. The Chief Educational Office,
Tanjavur,
Tanjavur District.

3. The District Educational Officer,
O/o. The District Educational Office,
Tanjavur, Tanjavur District.

+ 1 CC TO M/s.AJMAL ASSOCIATES, IN SR No. 55585

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55785

SSL/CMR

TE/SV/SAR-AD-II : 05/05/2017 : 3P/6C

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