

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.09.2018

CORAM
Hon'ble Mr. Justice SATRUGHANA PUJAHARI

W.P.No.21104 of 2018
in
W.M.P.No.24760 of 2018

Pradeep

... Petitioner

vs.

- 1.The Director of School Education,
DPI Complex,
College Road,
Chennai-600 006.
- 2.The Joint Director of School Education,
(Higher Secondary),
DPI Complex,
College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
Villupuram District,
Villupuram.
- 4.The District Educational Officer,
Kallakurichi,
Villupuram district. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 31.07.2018 in accordance with law and direct the third respondent to transfer the petitioner as Headmaster from Government Higher Secondary School, Chellampattu, Villupuram District to Government Higher Secondary school, Karuvallanpankurichi, Cuddalore District.

For Petitioner : Mr.K.Nagarajan

For Respondents : Mrs.P.Kavitha
Government Advocate

O R D E R

Heard Mr.K.Nagarajan, the learned counsel appearing for the petitioner and Mrs.P.Kavitha, the learned Government Advocate, who accepts notice on behalf of the respondents. With the

consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The case of the petitioner is that though he is eligible for transfer counselling, inasmuch as he was promoted to the post on 20.05.2017, though joined on 01.06.2017 but he was not allowed for transfer counselling based on the Government Order in G.O.(1T).403, School Education (Pa.Ka.5(1) Department dated 29.05.2018. The petitioner submitted a representation on 31.07.2018 in this regard and the same has been pending till date. Therefore, the petitioner has come forward to this Court seeking a direction to consider his representation dated 31.07.2018.

3.Though the petitioner has made the aforesaid prayer, but during the course of hearing on advance, the learned counsel for the petitioner would submit that the petitioner has a good case inasmuch as the case of the petitioner is squarely covered by an interim direction of this Court given in a similar situations in Madurai Bench vide order passed in WMP(MD) No.11349 of 2018 in WP.(MD).No.12470 of 2018 dated 11.06.2018 (G.Sekar Vs. the State of Tamilnadu rep. by its Principal Secretary and 4 Others). In the said case, notwithstanding the fact that the petitioner therein joined after the cut- off date, he was to allowed to join in the transfer counselling hence it is submitted that similar direction be issued to the respondents in this case.

4.Controverting the same, the learned Government Advocate appearing for the respondents would submit that since the petitioner in this case is joined on vacancies that arose on 01.06.2017, which made him ineligible to participate in the transfer counselling, he has no case. The decision rendered by the Madurai Bench of this Court was in the peculiar facts and circumstances of the case i.e., the fact that therein though the vacancy was since 01.02.2017 but the petitioner was allowed to join on promotion after 01.06.2017. Non-joining in the same post prior to the cut-off date as such being not attributable to the petitioner, the Court passed the order as aforesaid. Hence, it is submitted by the learned Government Advocate for the respondents that the same is of no assistance to the petitioner. Therefore, the learned Government Advocate submits that the writ petition is liable to be dismissed.

5.On consideration of the facts and submissions made, especially the fact that the petitioner herein in this case joined in a post that arose after the cut-off date and there is no material indicating the fact even though the petitioner was promoted earlier but for the reasons attributable to the respondents he could not join before the cut-off date, the

interim direction given by this Court in the aforesaid case therefore is of no assistance to the petitioner as admittedly, he is not qualified to be included in the transfer counselling as per the policy decision of the Government taken in this regard.

6. I would therefore, dismiss this writ petition at the stage of admission itself. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director of School Education,
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Villupuram District,
Villupuram.
- 4.The District Educational Officer,
Kallakurichi,
Villupuram district.

+1cc to the Government Pleader, SR. No.65506
+1cc to Mr.K.Nagarajan, Advocate, SR.No.65440

W.P.No.21104 of 2018
in
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SKV (CO)

rrs (16/10/2018)