

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.3.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.510 and 511 of 2018
and
C.M.P.Nos.4794 in WA.510/18
CMP.NO.4795 & 4796/18 in WA.511/18

WA.NO.510/18

James Jayaselvi Appellant/ in both the appeals
Petitioner

Versus

- 1 The Director of Elementary Education
College Road Chennai-600 006.
- 2 The District Elementary Education
Officer
Thoothukudi District.
- 3 The Assistant Elementary Education
Officer
Villathikulam Thoothukudi District.
... Respondents 1 to 3/Respondents 1 to 3
- 4 Tamil Nadu Primary School Teachers
Federation
No.221A Palayamkottai Road
Tuticorin - 628 003
Rep. By its Vilathikulam Block Secretary
P.Subburaj
- 5 G.Pandarasamy
... 4th & 5th Respondents/
impleaded 4th & 5th Respondents in W.A.No.510/2018

WA.NO.511/18:

- 1 The Director of Elementary Education
Directorate of Elementary Education,
DPI Complex, College Road
Chennai-600 006.

2 The District Elementary Education
Officer
Thoothukudi District.

Respondents in W.A.No.511/2018

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 20.9.2017 passed in W.P.Nos.27992 of 2016 and 12897 of 2017 on the file of this court.

WP.NO.27992/2016:

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the proceedings Na.Ka.No.0017166/I1/2016 dated 01.08.2016 issued by the 1st respondent herein and consequential proceedings Na.Ka.No.968/A1/2016 dated 03.08.2016 issued by the 2nd respondent herein quash the same.

WP.NO.12897/2017:

Writ Petition filed Under Article 226 of the Constitution of India praying to directing the respondents to allow the petitioner to participate in the counseling process for transfer from the post of Assistant Educational Officer Thoothukudi conducted on 19.05.2017 based on her application dated 24.04.2017 and also to pay salary for the petitioner from the month of August 2016 to till date.

For appellant : Mr.L.S.M.Hasan Fizal

For respondents : Mr.K.Karthikeyan, Government Advocate

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.K.Karthikeyan, learned Government Advocate, who takes notice on behalf of the respondents.

2. It appears that the appellant had been transferred from the post of Assistant Elementary Educational Officer to the post of Headmaster of Middle School and the same was challenged before the learned Single Judge. The learned Single Judge dismissed the same on the ground that the public servant enjoys a special status in the society and by virtue of that, they are bound to serve for the interest of the society, wherever they are posted.

3. No doubt, as observed by the learned Single Judge, it is the duty of the Government Servants to discharge his duty

wherever is posted. But, the only grievance of the appellant is the transfer in her case amounts to demotion. However, such a contention is denied by the learned Special Government Pleader.

4. Be that as it may, it is for the Department to consider the grievance expressed by the appellant on merits and in accordance with law. Therefore, the appellant is permitted to submit her representation with regard to her grievance within a period of one week from the date of receipt of a copy of this judgment and in such event, it is for the Department to consider and dispose of the same within one week thereafter. The writ appeals are disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

ssk.

To:

- 1 The Director of Elementary Education
College Road Chennai-600 006.
- 2 The District Elementary Education
Officer
Thoothukudi District.
- 3 The Assistant Elementary Education
Officer
Villathikulam Thoothukudi District.
- 4 Tamil Nadu Primary School Teachers
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No.221A Palayamkottai Road
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Rep. By its Vilathikulam Block Secretary
P.Subburaj

5.The District Elementary Education Officer,
Thoothukudi District.

+ 2 cc to Mr.L.S.M.Hasan Fizal Advocate,SR.22100
+ 1 cc to The Govt.Pleader, SR.22312

W.A.Nos.510 & 511 of 2018

rki(co)
nr 24/04/2018



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