

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.14793 of 2018 and WMP.17487 of 2018

P.S.Santhi

.. Petitioner

Vs

- 1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Mandamus directing the respondents to permit the petitioner to participate in the counseling for the year 2018 for transfer back to chennai in the existing vacancy on priority as redeployed teacher from Chennai, in the light of the orders passed in WP No.10632 & 10633 of 2018 dated 27.04.2017 by considering the representation submitted by the petitioner dated 08.05.2018.

For Petitioner : M/s.G.Sankaran

For Respondents : Mrs.P.Kavitha, Government Advocate

ORDER

The case of the petitioner is that she was appointed as a Secondary Grade Teacher in School Education Department in the year 1989 and based on her seniority and eligibility, she was promoted as B.T.Assistant (Tamil) and posted at Government Model Higher Secondary School, Saidapet, Chennai - 15. and further, was transferred to Sholinganallur Government Higher Secondary School, Kancheepuram District on deployment on 16.07.2012 and again, she was redeployed from Sholinganallur Government Higher Secondary School, Kancheepuram District to Salavakkam Government Higher Secondary School on 27.08.2016 and as such, she submitted a representation to transfer back

to Chennai in the existing vacancies and also participated in the transfer counselling which was held during the year 2017 and accordingly, she was transferred to Government Higher Secondary School at Periyapalayam, Thiruvallur District. The grievance now expressed by the petitioner is that she is having 2 daughters and medically ill husband who is also working in Chennai. She would further state that on account of family circumstances, she is going to the place of work by undertaking bus journey from Chennai to Thiruvallur which takes 3 to 4 hours and would further submit that the transfer counselling is sought to be conducted on 20.06.2018 for the post of B.T.Assistant District transfer and in this regard, she has submitted a representation to the respondent to consider her case for transfer. Since there is no response, she came forward to file this writ petition.

2. Mr.G.Sankaran, learned counsel for the petitioner has drawn the attention of this Court that in similar facts and circumstances, this Court had disposed of the writ petitions in WP.Nos.10632 and 10633 of 2017, by a common order dated 27.04.2017 with a direction to the respondents to consider the teachers deployed out of District i,e from one District to another and they should be considered in the vacancies in the original district on priority basis and hence, prayed that similar orders may be passed.

3. The learned counsel appearing for the respondents would submit that there being no vacancy to consider the case of the petitioner and as such, the representation submitted by the petitioner is devoid of merit and therefore, prays for dismissal of this writ petition.

4. Heard the submissions of both side and also perused the entire materials on record.

5. This Court, taking into consideration of the fact that no order has been passed on the representation of the petitioner as yet by the respondents, directs the respondents to pass necessary orders on the petitioner's representation dated 08.05.2018 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. However, it is made clear that this Court has not expressed any opinion on the merit of the representation submitted by the petitioner. Consequently, the connected miscellaneous petition is also closed. No costs.

Sd/--
Assistant Registrar(co)

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Sub Assistant Registrar

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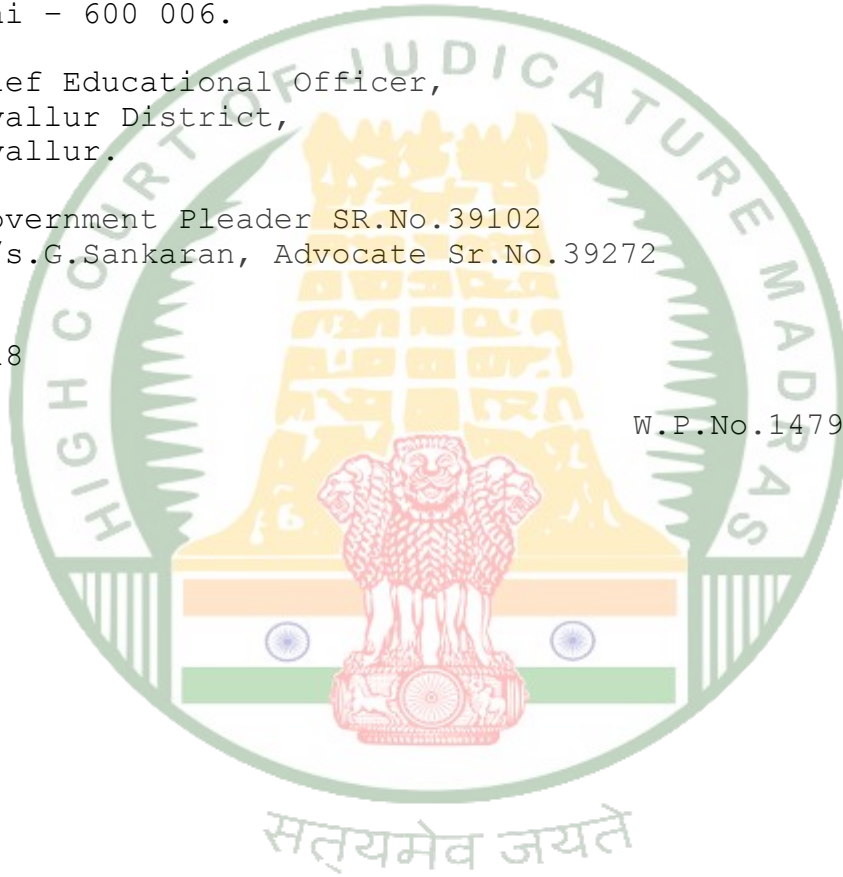
To

1. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.

+1cc to Government Pleader SR.No.39102
+1cc to M/s.G.Sankaran, Advocate Sr.No.39272

AK(CO)
sm:5.7.2018

W.P.No.14793 of 2018



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