

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2018

Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No. 15491 of 2018

WMP.Nos.18378 to 18380 of 2018

Ramesh N. ...Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Fort St George, Chennai-600 009.

2.The Director Elementary Education,
Directorate of Elementaty Education,
DPI Compound, College Road,
Nungambakkam, Chennai-600 006.

3.The Chief Elementary Educational Officer,
Office of the Chief Elementary Education Officer,
Vellore District. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in Na.Ka.No.07708/D1/2018 dated 20.06.2018 issued by the second respondent and consequently direct the respondents to conduct District to District counselling including the petitioner.

For Petitioner : Mr.N.G.R.Prasad, SC for
M/s.Row & Reddy

For Respondents : Mrs. P.Kavitha
Government Advocate

ORDER

Heard Mr.N.G.R.Prasad, the learned Senior 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 disposal.

2. The case of the petitioner is that he is working as a Secondary Grade Teacher in a School under the School Education Department of the Government of Tamilnadu, located in Vellore District, since from the year 2014. During the general transfer counselling for the year 2018-2019, teachers posted in the Vellore District are not allowed for transfer counselling. For the same, the petitioner is unable to move out of the District though he is eagerly waiting for his transfer to Chennai District, which is his native District and he has rendered service for the required period making him eligible to participate of such transfer counselling. According to the petitioner, the order of the Government, not to include the District of Vellore in transfer counselling is discriminatory. Hence, he came to file this writ petition seeking a direction to allow the petitioner to participate in the transfer counselling,

by directing the respondents including the teachers posted District of Vellore in the transfer counselling.

3. Counter affidavit has been filed, indicating the fact that in the Government Order for transfer counselling not only the teachers posted in the District of Vellore but 7 more Districts have been excluded, considering the fact that there is paucity of teachers in those Districts. Hence, teachers posted there are not allowed to move out of the District though have rendered required service by allowing them to participate in the transfer counselling. However, teachers from other Districts are allowed to be posted in those 8 Districts. The aforesaid being a policy decision of the Government considering the paucity of teachers and in the interest of the pupils, this writ petition filed challenging such policy decision and seeking the relief is devoid of merit.

4. During the course of hearing, the learned counsel appearing for the petitioner submits that he has the instructions from his client that the Government is going to recruit teachers in those 8 Districts. Therefore, on recruitment of teachers in those districts, the Government be directed to consider the case of the petitioner for transfer counselling on priority basis and the writ petition be disposed of, with the aforesaid direction.

5. In response, learned Additional Government Pleader for the respondents submits that the Government is taking all the sincere steps to fill up the post of vacant teachers. In the event sufficient number of teachers are posted in those 8 districts, the Government shall take a policy decision as required to allow the teachers move out of the districts. If such policy decision is taken, the case of the petitioner shall be considered in accordance with law. Hence, this Court may dispose of the writ petition in terms of the aforesaid submissions made by her, submits the learned counsel for the respondents.

6. Regard being had to the aforesaid facts and submissions made, this writ petition is disposed of, with an observation that when the Government of Tamilnadu in School Education Department takes a policy decision to allow the inter District transfer counselling of teachers, including the District, where the petitioner is working presently, the case of the petitioner who is serving in the Vellore District since 2014 shall be considered on priority basis, taking note of the fact that he is working there since 2014, but unable to move out though he has rendered the required service for being included in the transfer counselling, for the reasons that the same District is not included in the transfer counselling for the year 2018-2019. However, while giving such priority to the petitioner, his post in seniority in this regard for inclusion which is stated to be the criteria shall be taken into account.

7. With the aforesaid order, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : yes/no

Speaking Order/Non speaking

To

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Satrughana Pujahari, J.,
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