

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32892 of 2018
and W.M.P.Nos.38115 and 38116 of 2018

P.Thirumoorthy

... Petitioner

versus

1. State of Tamil Nadu,
 Rep. By its Principal Secretary,
 Department of School Education,
 Fort St. George,
 Chennai – 9.

2. The Director of School Education,
 O/o. The Director of School Education,
 DPI Campus,
 Chennai – 6.

3. The Joint Director of School
 Education (Higher Secondary),
 O/o. The Joint Director of School
 Education (Higher Secondary)
 DPI Campus,
 Chennai – 6.

4. The Chief Educational Officer,
 O/o. The Chief Educational Officer,
 Nagapattinam District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, to call for the records pertaining to the impugned Government Order in G.O.(1D) No.403, School Education (Pa.Ka.5(1)) Department dated 29.05.2018 on the file of the Respondent No.1 and to quash the same in so far as Clause No.8(i) is concerned, consequently direct the respondents to consider to

transfer the petitioner in the vacancies arising out of upgradation pursuant to G.O.(Ms.) No.166, School Education (Pa.Ka.2(2)) Department, dated 07.08.2018 and vacancies arising out of promotion for the post of District Educational Officers from the post of Headmasters in Pudhukottai District.

For Petitioner : Mrs.A.Preethi Prasanna
for M/s.K.Thilageswaran

For Respondents : Mrs.P.Kavitha,
Government Advocate

ORDER

The writ petition has been filed seeking issuance of writ of certiorarified mandamus, to call for the records pertaining to the impugned Government Order in G.O.(1D) No.403, School Education (Pa.Ka.5(1)) Department dated 29.05.2018 on the file of the Respondent No.1 and to quash the same in so far as Clause No.8(i) is concerned, consequently direct the respondents to consider to transfer the petitioner in the vacancies arising out of upgradation pursuant to G.O.(Ms.) No.166, School Education (Pa.Ka.2(2)) Department, dated 07.08.2018 and vacancies arising out of promotion for the post of District Educational Officers from the post of Headmasters in Pudhukottai District.

2. When the matter is taken up for consideration, the learned counsel appearing for the petitioner submitted that she is not pressing the prayer with regard to challenge G.O.(1D) No.403, School Education (Pa.Ka.5(1)) Department dated 29.05.2018.

3. The petitioner, who was served as Headmaster, Government High School, Kavarapattu, Thanjavur District and promoted as Headmaster of Government Higher Secondary School, Vettaikaran Iruppu, Nagapattinam District, is requesting for his posting as Headmaster in Pudukottai or nearby District.

4. The learned counsel appearing for the petitioner submitted that the petitioner, who was promoted as Headmaster of the Government Higher Secondary School by counselling, is undergoing dialysis due to renal failure. A representation dated 23.08.2018 has been submitted by the petitioner stating that he is suffering from kidney failure. As the petitioner is on dialysis due to renal failure, his request should be considered for transfer in his native District, i.e Pudukottai.

4.1. The learned counsel for the petitioner further submitted that number of vacancies for the post of Headmasters is available in Pudukottai due to upgradation of High Schools to Higher Secondary Schools, under G.O.Ms.No.166, School Education (Pa.Ka.2(2)) Department, dated 07.08.2018.

5. Heard the learned Government Advocate appearing for the respondents.

6. Having regard to the availability of vacancies and having regard to the seriousness of health issues being suffered by the petitioner, the respondents are directed to consider the case of the petitioner and to give transfer in any one of the

schools in Pudukottai, within a period of one week from the date of receipt of a copy of this order. This order shall not be taken as precedent and this order is passed having regard to the peculiar facts and circumstances of this case alone.

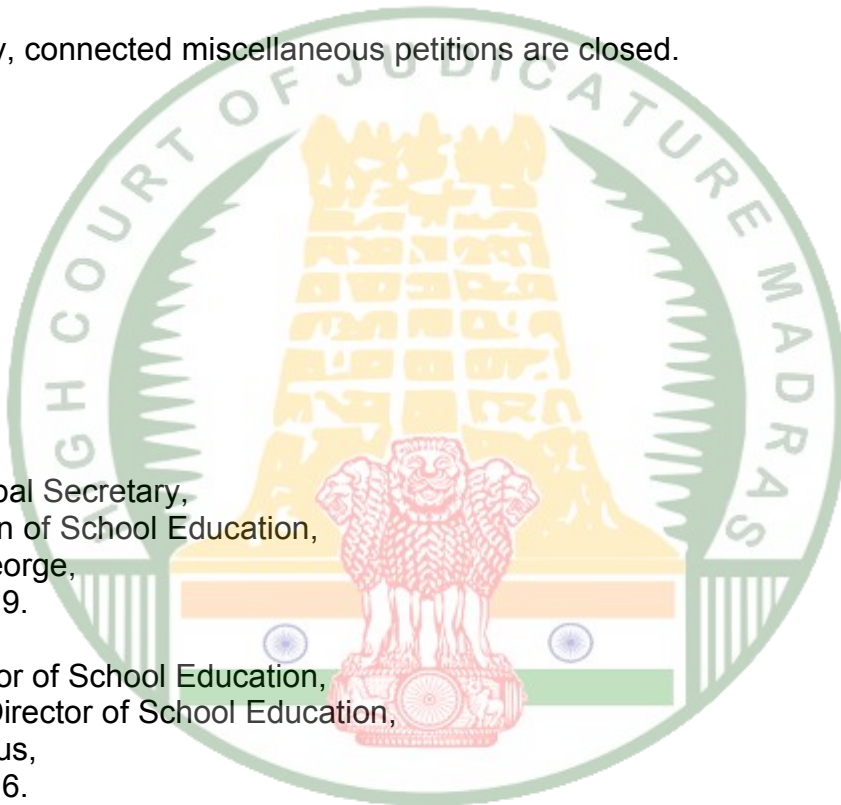
7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

17.12.2018

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To

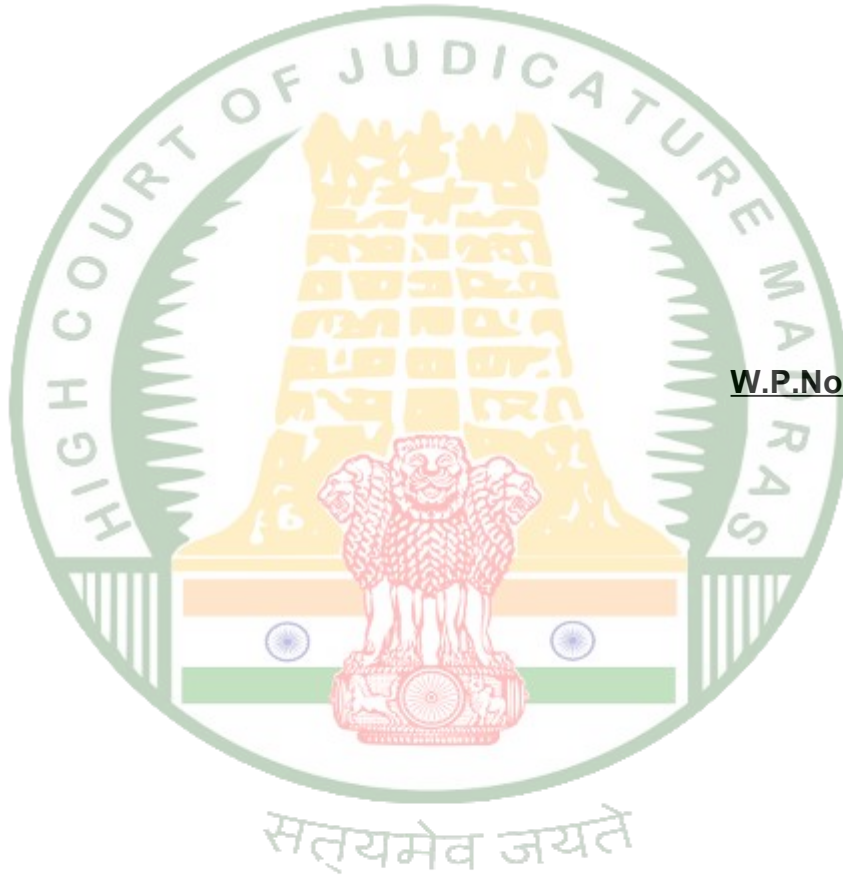
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