



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD).No.1041 of 2015 and
M.P.(MD).No.1 of 2015

M.Arockia Anton Suvitha

... Petitioner

-vs-

1. The Principle Secretary to Government,
Department of School Education,
Fort St. George, Chennai-09.
2. The Director of School Education,
O/o.The Director of School Education,
DPI Campus, Chennai-06.
3. The Joint Director of School Education
(Personnel Department)
O/o.Joint Director of School Education,
DPI Campus, Chennai.
4. The Joint Director of Secondary School Education,
O/o.Joint Director of Secondary School Education,
DPI Campus, Chennai.
5. The District Educational Officer,
O/o.the District Educational Officer,
Tuticorin District.

... Respondents

PRAYER: 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 impugned order in Na.Ka.No.87038/C3/E2/14 dated 26.11.2014 on the file of the respondent No.3 and quash the same as illegal and consequently, directing the respondent No.2 to transfer the petitioner to any other Government High School at Tuticorin District, within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.S.Srimathi

Special Government Pleader

**ORDER**

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mrs.S.Srimathi, learned Special Government Pleader appearing for the respondents.

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2.Challenging the impugned order passed by the third respondent dated 26.11.2014 and consequently directing the second respondent to transfer the petitioner to any other Government High School at Tuticorin District, the present petition has been filed.

3.The grievance of the petitioner is that she is a physically challenged person and she was working as PG Teacher in Maths at Aswarwenthapuram Government High School at Thiruvallur District. The petitioner participated in the transfer counseling. Despite several vacancies, her request for transfer to any Government School at Tuticorin District, has not been considered. Hence, she filed a writ petition in W.P.(MD).No.14898 of 2014 to consider her request. In the said writ petition, this Court directed the third respondent to consider and disposed of the representation dated 21.08.2014 and pass order within a period of four weeks. Pursuant to which, the third respondent has passed the present impugned order on 26.11.2014 rejecting her request on the ground that there is no vacancy for the post of PG Teacher in Maths within Tuticorin District. The said order is impugned in this writ petition.

4.In the counter affidavit, the respondents has stated that the transfer counseling has been done, as per the norms fixed in the G.O.(D)No.137 dated 09.06.2014. As far as the request of the petitioner herein is concerned, in the light of G.O.(D) No.137, dated 09.06.2014, her request could not be accommodated, due to want of vacancy in the PG Teacher in Maths.

5.From the submission made by the learned Special Government Pleader and the counter, it is clear that the transfer policy is governed by the Government Order and the request for transfer is done in accordance with the norms prescribed in the said G.O. Hence, there is no violation of norms, except the petitioner's request for inter district transfer, based on sympathetic ground.

6.Therefore, in the light of the counter affidavit, this Court finds no merit in the writ petition. Hence, this writ petition is dismissed. However, the dismissal of the writ petition shall not stand in the way of the respondent, if any request for transfer is made by the petitioner herein, in future to consider in accordance with law, taking into account of her physical disability. No costs.

Sd/-

Assistant Registrar (CO)



1. The Principle Secretary to Government,
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Chennai-09.
2. The Director of School Education,
O/o.The Director of School Education,
DPI Campus,
Chennai-6.
3. The Joint Director of School Education (Personnel Department)
O/o. The Joint Director of School Education,
DPI Campus,
Chennai.
4. The Joint Director of Secondary School Education,
O/o.Joint Director of Secondary School Education,
DPI Campus,
Chennai.
5. The District Educational Officer.
O/O. The District Education Officer,
Tuticorin District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 96808

NS

KK/PM/SAR-IV : 20/12/2018 : 4P/7C

W.P. (MD) .No.1041 of 2015
23.11.2018