



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2018

CORAM:

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.12118 of 2018

and

W.M.P (MD) No.11040 of 2018

J.Jeyasree

... Petitioner

Vs.

- 1) The Principal Secretary to the Government,
School Education Department,
St.George Fort,
Chennai 600 009
- 2) The Director,
O/o Directorate of Elementary Education,
College Road,
Chennai 600 006
- 3) The Joint Director (Private School)
Administration,
O/o Joint Directorate of Elementary Education,
College Road,
Chennai 600 006
- 4) The District Elementary Education Officer,
Virudhunagar District,
Virudhunagar.
- 5) The Block Educational Officer,
O/o Block Educational Office,
Rajapalayam,
Virudhunagar District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing 2nd respondent to transfer the petitioner to any other needy school vide the Proceedings of the 4th respondent in Na.Ka.No.1661/A2/2018, dated 18.05.2018 preferably to Panchayat Union Primary School, Chathirapatti, Rajapalayam Union, Virudhunagar District.



For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mrs.S. Srimathy,
Special Government Pleader.

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ORDER

The prayer sought for in the Writ Petition is for a Writ of Mandamus, directing the 2nd respondent to transfer the petitioner to any other needy school vide the Proceedings of the 4th respondent in Na.Ka.No.1661/A2/2018, dated 18.05.2018 preferably to the Panchayat Union Primary School, Chathirapatti, Rajapalayam Union, Virudhunagar District.

2. Heard Mr.C.Mayilvahana Rajendran, learned counsel appearing for the petitioner and Mrs.S. Srimathy, learned Special Government Pleader appearing for the respondents.

3. When the case came up for hearing on 07.06.2018, this Court passed the following order:

"The grievance of the petitioner appears to be that even though best efforts have been taken by the petitioner to run the school, namely, Panchayat Union Primary School, Jegaveerampatti, Vembakottai, Virudhunagar District, where the petitioner was posted as Headmistress, she is facing some troubles frequently from the village people and therefore, she wants transfer to some other school. When such a request has been made, the fourth respondent after having conducted a preliminary enquiry, has come to the conclusion that there are force in the said contention of the petitioner and therefore, he recommended the request of the petitioner for transfer to the second respondent. But, the second respondent is yet to take a decision and therefore, the petitioner approached this Court.

2. In this regard, Mrs.S.Srimathy, learned Special Government Pleader, who has taken notice on behalf of the respondents, on instructions would submit that general counselling to give transfer to Teachers and Headmistress of the schools concerned, is going to be conducted from 16.06.2018 and with regard to the said grievance of the petitioner, she can straightaway make a request to the concerned authorities for consideration of her transfer at the general counselling to be held from 16.06.2018 and certainly, her grievance would be redressed and her request would be considered by the concerned authorities on such general counselling based on the availability of



vacancy.

3. In view of the said submission, recording the same, a direction is given to the petitioner to give such representation, seeking transfer from the present place through general counselling of transfer of Teachers and Headmistress to be held from 16.06.2018 and on receipt of said request, the second respondent or his subordinate, who is in-charge of the general counselling, shall consider the request of the petitioner and pass orders thereon with regard to the transfer of the petitioner and report before this Court.

4. Post the matter on 26.06.2018."

4. Today, when the case came up for hearing, the learned Special Government Pleader appearing for the respondents would submit that, though the request has been given by the petitioner for transfer, since she is the juniormost among the others and also she has preferred a favourable place, where, there had been no vacancy and therefore, the request of the petitioner was not immediately considered.

5. However, the learned Special Government Pleader appearing for the respondents would further submit that, the request of the petitioner, at any rate, would be considered and if she is not very particular about the favoured place, certainly, she would be considered for transfer to any nearby place, as per her choice, depending upon the vacancy position.

6. In that view of the matter, since the petitioner wants to come out from the School, where she is now working, as she has been facing some problems internally therein and based on which, the fourth respondent has already recommended that, the petitioner's request for transfer from the School, where she is working, can be considered by the respondents, especially, the second respondent and therefore, this Court is inclined to pass the following orders:

"(i) the respondents, especially, the second respondent shall consider the request of the petitioner for transfer from the School, where she is now working, to any other nearby school, based on her request and also depending upon the vacancy position available in this regard.

(ii) Needful as indicated above to be undertaken by the second respondent, at the earliest, preferably, within a period of six weeks from the date of receipt of a copy of this order."



7. With these directions, this Writ Petition is disposed of. However, there shall be no order as costs. Consequently, connected W.M.P(MD) No.11040 of 2018 is closed.

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Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

- 1) The Principal Secretary to the Government,
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 - 5) The Block Educational Officer,
O/o Block Educational Office,
Rajapalayam,
Virudhunagar District.
- + 1 CC TO Mr.C.MAYIL VAHANA RAJENDRAN, ADVOCATE IN SR No. 72485
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 72286

STS

TE/SV/SAR-4 : 03/12/2018 : 4P/8C

Order made in
W.P. (MD) No.12118 of 2018
10.07.2018