



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.06.2018

CORAM:
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.13596 of 2018
and
W.M.P.(MD) No.12382 of 2018

M.Venkateshkumar ...Petitioner
Vs.

- 1) The Joint Director of
School Education (Personnel),
Chennai.
- 2) The Chief Educational Officer,
Tuticorin District.
- 3) The Chief Educational Officer,
Kanniyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to give transfer to the petitioner to Government Higher Secondary School at Arumanai Kanniyakumari District as P.G.Assistant Chemistry.

For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

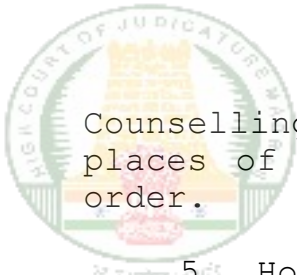
ORDER

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondents to give transfer to the petitioner to Government Higher Secondary School at Arumanai Kanniyakumari District as P.G.Assistant Chemistry.

2. Heard Mr.V.Panneer Selvam, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3. Learned Counsel for the petitioner would submit that the petitioner has been working as a Post Graduate Assistant (Chemistry) and he has been working in the present School (i.e.,) Government Higher Secondary School at Pilliyarnatham, Tuticorin District from 02.01.2013. Since he has completed five years of service, he is the senior-most person in the School and therefore, based on that, he can be transferred to any other School of his choice or favour, subject to the availability of the vacancy.

4. In this regard, the petitioner has applied for participating in the General Counselling for Transfer conducted during last week and even though the petitioner has participated in the said



Counselling, since no vacancy has been shown in the favourable places of the petitioner, the petitioner did not get any transfer order.

5. However, subsequently, the petitioner came to know that there are two vacancies available in his home district (i.e.,) Kanyakumari District, at Government Boys Higher Secondary School, Arumanai Marthandam and Government Higher Secondary School, Palugal.

6. In view of the said vacancies available in his home district, where, the petitioner can be transferred, the said vacancies, since have not been shown in the General Counselling, the petitioner did not get any transfer order and therefore, he has made a representation on 23.06.2018 to the respondents and if the said representation is considered by the respondents on merits, the petitioner would be satisfied.

7. I have heard Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents, who would submit that, the request of the petitioner made by way of representation dated 23.06.2018 shall be considered on merits and in accordance with law, subject to the availability of the vacancy as claimed by the petitioner in the two schools and accordingly, orders shall be passed within a time frame, that may be fixed by this Court.

8. Considering the submissions made by both sides and the limited scope of the Writ Petition, this Court is inclined to pass the following orders:

"That the respondents shall consider the representation of the petitioner dated 23.06.2018 for transfer to any available vacancy at the Government Higher Secondary Schools in Kanyakumari District, especially, in the schools located at Government Boys Higher Secondary School, Arumanai Marthandam and Government Higher Secondary School, Palugal and pass orders thereon within a period of two weeks from the date of receipt of a copy of this order."

9. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.12382 of 2018 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To

- 1) The Joint Director of
School Education (Personnel),
Chennai.
- 2) The Chief Educational Officer,
Tuticorin District.
- 3) The Chief Educational Officer,
Kanniyakumari District.

+1CC to Mr.V.Panneer Selvam, Advocate, SR.No.70054

+1CC to the Special Government Pleader SR.No.69985

W.P.(MD)No.13596 of 2018
26.06.2018

STS

ES/VR/SAR 3/06.07.2018/3P/6C