



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.14913 of 2018
and
W.M.P. (MD) No.13458 of 2018

R.Blessed Singh

... Petitioner

Vs.

1.The Joint Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Thoothukudi District.

3.The Government Higher Secondary School,
rep. by its Headmaster,
Kombankulam,
Thoothukudi District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to transfer the petitioner from the 3rd respondent school to any one of the vacancy available for the post of P.G.Assistant in Chemistry in Kanyakumari District under the preferential category of spouse working in Kanyakumari District as per the guidelines issued in G.O.(1D) No.403 dated 29.05.2018 by considering the representation of the petitioner dated 29.06.2018.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.K.Saravanan,
Government Advocate

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to transfer the petitioner from the 3rd respondent school to any one of the vacancy available for the post of P.G.Assistant in Chemistry in Kanyakumari District under the preferential category of spouse working in Kanyakumari District as per the guidelines issued in G.O.(1D) No.403 dated 29.05.2018 by considering the representation of the petitioner dated 29.06.2018.

2.Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate appearing for the respondents.



3.The learned counsel appearing for the petitioner would submit that the petitioner was appointed as B.T.Assistant in the year 2005. Since then, he had been working as B.T.Assistant at Pudukkottai District and Karur District till 2014. On 01.11.2014, the petitioner was promoted as P.G.Assistant in Chemistry and has been posted at Kombankulam Higher Secondary School at Thoothukudi District, where the petitioner had been working till date. The petitioner's wife is working from 2012 onwards at Kanyakumari District and the children of the petitioner also studying there. The petitioner is having the parents of more than 80 years old and it is the responsibility of the petitioner to look after them also. In that situation, from 2015 onwards, the petitioner had been participating in the transfer counselling held every year. However, he was not able to get any transfer and posting at Kanyakumari District. Even during the last such counselling dated 18.06.2018, the petitioner participated. However, since no vacancies have been shown in the counselling, he was not able to get any posting. However, the factum remains that there are five vacancies in the Kanyakumari District at Palugal, Moonjirai, Kollancode, Arumanai and Marthandam. Therefore, in this regard, the petitioner has given representation on 29.06.2018 to the respondents and if the said representation is considered and an order to that effect is passed on merits, the petitioner would be satisfied.

4.I have heard the learned Government Advocate appearing for the respondents, who would point out that as per clause 16 of G.O. (1D) No.403, Education Department dated 29.05.2018, if some Districts, the vacancies are less than the average vacancies of other Districts or Statewide vacancies, then, transfer to that District, where the vacancies are very minimum shall not be encouraged. Therefore, since, the Kanyakumari District is the District, where those, who are working outside Kanyakumari will go for more vacancies, that will hamper the imparting of education to the children. Therefore, this can also borne in mind by the authorities while considering the request of the teachers for getting transfer, where minimum vacancies are available. However, he would submit that the request of the petitioner dated 29.06.2018 would be considered and an order to that effect would be passed depending upon the vacancy available in the Kanyakumari District, within a time frame.

5.Considering the limited scope of the writ petition and taking into account the said submissions made by both sides, this Court is inclined to pass the following order:

"The respondents, especially, the first respondent shall consider the representation of the petitioner dated 29.06.2018 and pass orders thereon, on merits and in accordance with law, by taking into account the long service rendered by the petitioner outside his home District and also by taking into account the vacancy



available in 5 places viz., Palugal, Moonjirai, Kollancode, Arumanai and Marthandam, within a period of four weeks from the date of receipt of a copy of this order."

6. This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Thoothukudi District.

3. The Headmaster,
Government Higher Secondary School,
Kombankulam,
Thoothukudi District.

+1CC to the Special Government Pleader in SR.No.72545.

+1CC to Mr.S.C.Herold Singh Advocate in SR.No.72328.

ARUL

DS/RP/SAR-2 :16.07.2018: 3P/6C

W.P (MD) No.14913 of 2018
and
W.M.P. (MD) No.13458 of 2018
11.07.2018