



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.22689 of 2018

and

W.M.P. (MD) Nos.20584 and 20585 of 2018

R.Blessed Singh

... Petitioner

vs.

1. The Director of School Education (Higher Education),
DPI Campus, College Road,
Chennai-600 006.
2. The Joint Director of School Education (Higher Education),
DPI Campus, College Road,
Chennai-600 006.
3. The Chief Education Officer,
Thoothukudi, Thoothukudi District.
4. The Government Higher Secondary School,
Rep by its Headmaster,
Kombankulam,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari, to call for the records on the files of the second respondent pertaining to its proceeding in Na.ka.No.047386/W2/E2/2018 dated 21.08.2018 and to quash the same and consequently direct the respondents to transfer the petitioner from the fourth respondent school to any one of the vacancy available at Kanyakumari District 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.403 dated 29.05.2018 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mrs.Srimathy,
Special Government Pleader.

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.



3.The writ petitioner seeks a writ of Certiorari to quash the proceeding passed by the Joint Director of School Education in his representation seeking transfer. The writ petitioner herein is a resident of Kanyakumari District and working in the fourth respondent school at Thoothukudi District since 2014.

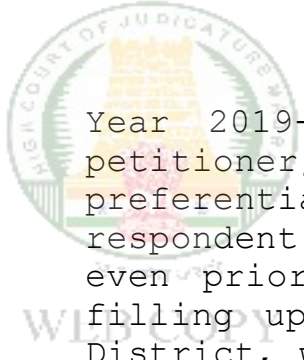
4.The contention of the writ petitioner is that his family is at Kanyakumari District and his age old mother and children are living in Kanyakumari District. Therefore, considering the vacancy in the post of P.G. Teacher in Chemistry in Kanyakumari District, his name was considered in inter-district transfer. The petitioner claims the priority while considering the transfer request that his wife is employed as Teacher in Kanyakumari District.

5.Earlier, when the writ petitioner approached this Court by way of writ petition citing the information he got under the Right Information Act which discloses five vacancies in Kanyakumari District, this Court directed the authority to consider the representation and pass appropriate orders on merits in accordance with law. Thereafter, the impugned order has been passed by the Joint Director, wherein he has cited the policy decision taken by the Government and for evenly distributing the teaching staff throughout the State, the request for transfer to the vacancy in Kanyakumari for P.G Teacher in Chemistry, could not be considered.

6.The said order is now impugned, on the ground that in the month of June under the Right Information Act the petitioner was able to find out that there are five vacancies in Kanyakumari District. Whereas the impugned order dated 21.08.2018 discloses only three vacancies in Kanyakumari District, which means that two of the posts have been filled up behind back and attributes the motive of passing the impugned order.

7.The writ petitioner seeks a writ of certiorari to quash the order and also direct the respondents to transfer the petitioner from fourth respondent's school to any one of the school at Kanyakumari District under the preferential category. The impugned order disclosed that the Government has taken a policy decision to equalise the teacher-student ratio throughout the State and while doing so, they are not able to accommodate the request of the writ petitioner transferring him from Thoothukudi to Kanyakumari District, since it is a policy.

8.This Court finds no malice in the decision or arbitrariness in it. The request of the petitioner herein to quash the impugned order cannot be entertained. However, the dismissal of this writ petition is not stand in the way of the respondents for considering the transfer request of the petitioner in ensuing counseling likely to be held during the beginning of the Academic



Year 2019-2020 and if any such request is made by the writ petitioner, the third respondent shall consider the request on preferential basis and pass appropriate orders. The third respondent shall also consider the request of the writ petitioner even prior to the general counseling if there is any scope of filling up the posts of P.G. Teacher (Chemistry) in Kanyakumari District, which are now vacant.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

1. The Director of School Education (Higher Education),
DPI Campus, College Road,
Chennai-600 006.
2. The Joint Director of School Education (Higher Education),
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3. The Chief Education Officer,
Thoothukudi, Thoothukudi District.
4. The Government Higher Secondary School,
Rep by its Headmaster,
Kombankukam,
Thoothukudi District.

+1cc to Mr.S.C.Herold Singh, Advocate Sr.No.95036

+1cc to The Spl. Government Pleader, Sr.No.95432

CP

VB/PM/SAR4/28.11.2018/3P/7C

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