



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P. (MD) No.18268 of 2017

R.Linet Amala Santhakumari

.. Petitioner

Vs.

1.The Principal Secretary to Government,
School Education Department,
6th Floor, Namakkal Kavingar Maligai,
Fort St. George,
Secretariat, Chennai - 600 009.

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

3.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

4.The Chief Educational Officer,
164, Devarpuram Road, Seena Vaana Hr.
Sec. School Campus,
Thoothukudi-628 003.

5.The District Elementary Officer
(Elementary Education),
New No.64/Old No.39B, T.Ramasamy Naidu Street,
Near 1st Railway Gate, Thoothukudi - 628 002.

6.The Additional Assistant Elementary Educational Officer,
A.E.O. Office, Kottur Block,
Kottur - 614 708,
Tiruvarur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to quash the impugned proceedings of the second respondent/Director of School Education vide.Na. Ka. No.27326/ C2/ E1/ 2014 dated 23.10.2015, which interfered with the administration of Justice and resulted in mockery of the earlier Interim Order dated 14.5.2015 and the final Order of this Court in W.P.(MD) No.3523/2015 dated 07.07.2015 and consequently direct the respondents to transfer the writ petitioner herein in the status quo ante B.T. (Science) vacancy existed in Umarikadu Government Higher Secondary School, Thoothukudi District.

For petitioner

: Mr.R.Esthov Antony Ashok

<https://hcservices.ecourts.gov.in/hcservices/>

For respondents

: Mrs.S.Srimathy

Special Government Pleader



O R D E R

Heard Mr.R.Esthov Antony Ashok, learned Counsel appearing for the writ petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

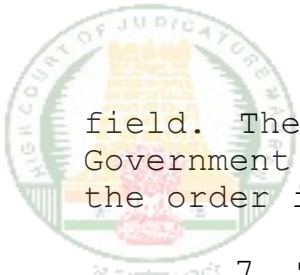
2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is working as a B.T. Assistant (Science) in Panchayat Union Middle School, Tirnellikaval, Kottur Block, Tiruvarur District. She seeks transfer to Umarikadu Government Higher Secondary School, Thoothukudi District. The writ petitioner had earlier moved this Court. This Court gave a direction for consideration of the writ petitioner's request on the first day of general counselling. The prayer made by the writ petitioner was rejected by an order dated 23.10.2015 passed by the second respondent herein. The same is assailed in this writ petition.

4. The learned Counsel appearing for the writ petitioner contended that he obtained information by invoking the provisions of Right to Information Act and came to know that vacancy in the post of B.T. Assistant very much existed in Umarikadu Government Higher Secondary School, Thoothukudi District. Therefore the stand taken by the authority in the counter affidavit that there was no vacancy as sought for by the writ petitioner is not correct. The writ petitioner had also filed his written arguments and the learned counsel took this Court to the contention taken up by him therein.

5. This Court is not persuaded by the submissions made by the learned counsel for the writ petitioner. It is not a matter of right for the writ petitioner to demand, command or insist that she will work in a particular place. That apart, as rightly pointed out by the learned Special Government Pleader appearing for the respondents, the practice of transferring the teachers working in Elementary School to the Higher Secondary School has since been given up vide G.O.(1D).No.232, School Education Department, dated 10.07.2015, which states that from the year 2015-2016, the practise of transferring Teachers from one unit to another unit has been temporarily stopped.

6. Therefore, the petitioner, who is presently working in Panchayat Union Middle School, cannot seek transfer to Higher Secondary School. Even though the learned counsel appearing for the writ petitioner would contend that this Government Order issued on 10.07.2015 cannot have any bearing on the writ petitioner's rights that arose earlier, it has to be rejected for the simple reason that the writ petitioner never had a substantive right to seek transfer from Thiruvarur District to Thoothukudi District. This Court will have to necessarily go by what is presently in force. As on date, the Government Order, dated 10.07.2015 is holding the



field. The impugned order has been passed only in terms of said Government Order. Therefore, this Court does not find any error in the order impugned in this writ petition.

7. This Writ petition is dismissed. No costs.

WEB COPY

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

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A.E.O. Office, Kottur Block,
Kottur - 614 708, Tiruvarur District.

+5cc to M/S.R.Esthov Antony Ashok, Advocate SR.No. 44814

+1cc to Special Government Pleader, SR.No. 45191

ORDER MADE IN
W.P. (MD) No.18268 of 2017
30.01.2018

kmi

JM/SKN RSK/SAR 2/05.03.2018/3P/13C