

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.02.2018****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.1439 of 2013****WEB COPY**

1.T.Babu Selvan

2.L.C.Girija

... Petitioners

Vs.

1. The Director of School Education,
Directorate of School Education,
Chennai.

2. The Joint Director,
(Higher Secondary Education)
Directorate of School Education,
Chennai.

3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to post the petitioners as P.G. Assistants in Physics subject in Kanyakumari District upon the earliest arising of vacancies in the said post.

For petitioners

: T.Antony Arul Raj

For Respondents

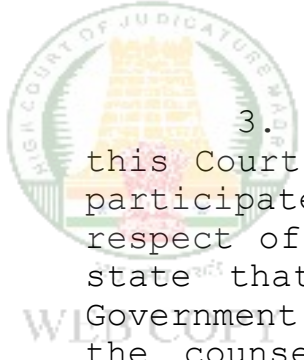
: Mr. R.Sethuraman

Special Government Pleader

O R D E R

The learned counsel for the writ petitioner made a submission that during the relevant point of time, without conducting proper counselling as per the Government instructions, the authorities at their whims and fancies transferred five persons as P.G. Assistant in Kanyakumari District.

2. The grievance of the writ petitioner was that no particular information was provided to the writ petitioner, to participate in the counselling during the relevant point of time and the authorities without conducting proper counselling, accommodated certain other persons in Kanyakumari District. However, now after a lapse of five years, the said transfer need not be interfered with.



3. This apart, transfer is being an incidental to service, this Court is of an opinion that it is for the writ petitioner to participate in the next counselling, if the vacancy arises in respect of the P.G. Assistant post in Physics. It is needless to state that the competent authorities are bound to follow the Government instructions and guidelines in the matter of conducting the counselling programs. The counselling programs are to be conducted transparently and the instructions issued are to be followed scrupulously. An advance informations to be provided to all the teachers concerned, enabling them to participate in the counselling.

4. At the outset, this Court is of an opinion that when the competent authorities have taken decision to conduct counselling, the same must be conducted transparently and in accordance with law and the procedures contemplated in this regard by the Government. This being the factum no further consideration is required in this regard.

5. Accordingly, this writ petition stands dismissed, however no order to costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
Directorate of School Education,
Chennai.
2. The Joint Director,
(Higher Secondary Education)
Directorate of School Education,
Chennai.
3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

+1cc to The Spl. Government Pleader Sr.No.49823

PNN

VB/KK/SAR4/06.03.2018/2P/5C