

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.27552 of 2008

V.L.Rajini

.. Petitioner

.Vs.

1.The Director of School Education,
College Road, Chennai 600 006.

2.The Joint Director of School Education,
Higher Secondary College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Kancheepuram District,
Kancheepuram.

4.Sakrapani

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to consider the petitioner for transfer to post of Post Graduate Assistant (Biology) at Government Higher Secondary School, Maramalainagar, Kancheepuram District in the place of fourth respondent.

For Petitioner : No appearance

For Respondents: Mr.K.Karthikeyan,
Government Advocate
for R1 to R3

No appearance for R4

ORDER

The petitioner has come to this Court seeking a direction to the respondents 1 to 3 to consider her request for transfer to the post of Post Graduate Assistant (Biology) at Government Higher Secondary School, Maramalainagar, Kancheepuram District in the place of fourth respondent.

2.It is averred in the affidavit that the petitioner was appointed as Secondary Grade Assistant through Employment Exchange on 01.06.1988 and subsequently promoted as B.T. Assistant and further promoted as Post Graduate Assistant

(Biology) on 06.12.2000 and posted at Government Higher Secondary School, Nayaganpettai, Kancheepuram District. As the service of the petitioner's husband, who has been working as Senior Technical Superintendent, Department of Physics at Indian Institute of Technology, Adayar, Chennai, is non-transferable, the petitioner seeks transfer to the nearest place of the working place of her husband. Thereafter, the second respondent announced counselling for transfer and the same was held at Kancheepuram on 03.07.2008 and the petitioner attended the said transfer counselling. Although the third respondent announced that there are two vacancies at Government Higher Secondary School, Maramalainagar, Kancheepuram District and Nellikuppan, Kancheepuram District, wrongly announced the vacancy at Government Higher Secondary School, Maraimalainagar as Zoology instead of Biology and given the order of transfer to the fourth respondent, without considering the seniority of the petitioner. However, on 04.07.2008, the petitioner made representation to the second respondent under Right to Information Act and sought for information regarding the actual position as to whether the vacancy of post of Post Graduate Assistant at Government Higher Secondary School, Maraimalainagar is Zoology or Biology and the second respondent by proceedings dated 08.09.2008 has replied that there is a vacancy for Biology in the said School. While so, the third respondent herein deliberately announced the said vacancy as Zoology and considered the fourth respondent, who is very junior to the petitioner and given transfer to him.

It is further averred that the petitioner made a detailed representation to the third respondent requesting him to rectify the error committed by him in the said counselling and consider her for transfer since she has been seeking transfer for the past five years. But, the third respondent, having received the said representation, failed to consider the same. Hence, the present writ petition has been filed.

3. When the petitioner complained that the fourth respondent has been wrongly considered by the third respondent, the order of transfer passed by the third respondent in favour of the fourth respondent has not been questioned, but this has not been done. Without challenging the correctness of the order transferring the fourth respondent, who is junior to the petitioner, the petitioner cannot maintain this writ petition. Therefore, the writ petition fails and the same is dismissed. No costs.

vga

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Director of School Education,
College Road, Chennai 600 006.

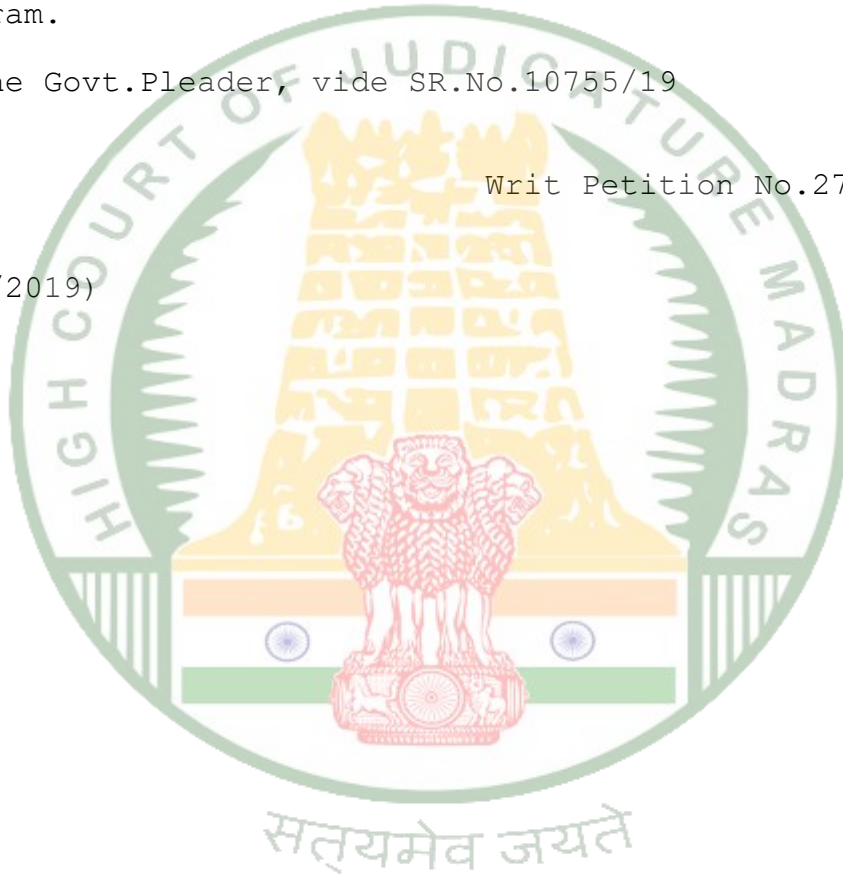
2.The Joint Director of School Education,
Higher Secondary College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Kancheepuram District,
Kancheepuram.

+1cc to The Govt.Pleader, vide SR.No.10755/19

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Kak(14/03/2019)



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