

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.18824 of 2019

and WMP.Nos.18175 & 18176 of 2019

1. K.Ganapathi
2. K.Thiruvarasu
3. K.Kesavan
4. R.M.Thamayanthi

.. Petitioners

Vs.

1. The State of Tamil Nadu,
rep. By its Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
Directorate of School Education,
College Road, Chennai - 600 006.
3. The Joint Director (Personnel),
Directorate of School Education,
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri - 635 001.
5. The Chief Educational Officer,
Pudukkottai District,
Pudukkottai - 622 302.

.. Respondents

Prayer.: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from preventing the petitioners from participating in the General Transfer Counselling pursuant to clause 9(1) of G.O.(1D) No.218, School Education (Pa.Ka.5(1)) Department, dated 20.06.2019 and consequently direct the respondents 2 to 5 to permit the petitioners to participate in the General Transfer Counselling to be conducted on 08.07.2019, 09.07.2019 and 10.07.2019 or any other subsequent dates pursuant to G.O.(1D)No.218, School Education (Pa.Ka5(1)) Department, dated 20.06.2019.

For Petitioners

:

Mrs.Nalini Chidambaram
Senior Counsel for C.Uma

For Respondents : Mr.C.Munusamy
Special Government Pleader

O R D E R

Heard the arguments advanced on either side.

2.The learned counsel for the petitioner would submit that though the writ petitioners have filed this petition seeking issuance of a Writ of Mandamus, forbearing the respondents from preventing the petitioners from participating in the General Transfer Counselling pursuant to clause 9(1) of G.O.(1D) No.218, School Education (Pa.Ka.5(1)) Department, dated 20.06.2019 and consequently direct the respondents 2 to 5 to permit the petitioners to participate in the General Transfer Counselling to be conducted on 08.07.2019, 09.07.2019 and 10.07.2019 or any other subsequent dates pursuant to G.O.(1D)No.218, School Education (Pa.Ka5(1)) Department, dated 20.06.2019 however after coming to know that in respect of similarly placed persons, the Madurai Bench of this Court in W.P.Nos.14188 of 2019 and etc., batch has held in favour of the petitioner therein, seeks the same relief.

3. The learned Special Government Pleader would submit that the respondents-Government accepted the recommendation made in the decision in respect of paragraph -17 of the above said order and undertakes to follow the directions issued by the Madurai Bench of this Court.

4. This Court also perused the above decision and heard the submissions made on either side. The very same prayer has been dealt with in the batch of writ petitions in W.P.Nos.14188 of 2019 and etc batch dated 27.08.2019 by the Madurai Bench of this Court. It is useful to extract hereunder the relevant paragraph No.17 of the above order:-

" 17. Therefore, in the interest of justice, this Court is inclined to modify the condition 9(i) of the G.O(1D).No.218 School Education [Pa.Ka.5(1)] Department dated 20.06.2019 and Clause (10), omitting the relaxation available to the physically disabled candidates, with the following directions:

i) The petitioners, who are all coming under the categories of deployment or by promotions for the academic year 2018-2019, not completing one year of service in the present working place, are entitled

to attend the General Transfer Counselling to be held for this academic year 2019-20, provided they have not attended the General Transfer Counselling prior to 1.6.2019 as per the impugned order passed by the respondent.

ii) The petitioners, who are all coming under the categories of deployment or by promotions for the academic year 2017-2018, not completing one year of service in the present working place as on 1.6.2018, are entitled to attend the General Transfer Counselling to be held for this academic year 2019-20, provided they have not attended the General Transfer Counselling prior to 1.6.2019 as per the impugned order passed by the respondent.

iii Clause 10 of the impugned order relates to priority category, the Secretary to Government is directed to pass appropriate orders, in view of letter No.21787/SE5(1) 2019-1, dated 26.8.2019, School Education Department, Secretariat, Chennai -9, within a period of two weeks from the date of receipt of a copy of this order.

iv) If any of the writ petitioners have not submitted their applications so far to seek their remedy, they are at liberty to submit their applications before the appropriate authority within a period of one week from the date of receipt of a copy of this order. This order is applicable only to the writ petitioners herein.

v) In the light of the aforesaid order, after receiving such applications from the writ petitioners, the authority concerned shall permit the writ petitioners to the forthcoming General Transfer Counselling for the academic year 2019-20, if they are otherwise eligible."

In view of the above, this Court directs to extend the same benefit to the petitioners herein. Accordingly, the writ petition stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

adl/kkd
To

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
Directorate of School Education,
College Road, Chennai - 600 006.
3. The Joint Director (Personnel),
Directorate of School Education,
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4. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri - 635 001.
5. The Chief Educational Officer,
Pudukkottai District,
Pudukkottai - 622 302.

+lcc to Mrs.C.Uma , Advocate SR.No. 84674
+1 cc to Government Pleader Sr.No. 85392

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A.SK(18/12/2019)