

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.10.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.18820 of 2019
and WMP.Nos.18168 & 18170 of 2019

1. M.Krishnan
2. Aru.Duraikannan
3. R.Chidambaram
4. S.Manickavasakam
5. C.Panneerselam
6. N.Suresh
7. K.V.Mani
8. N.Chandrasekaran
9. A.Suresh Subramanian
10. K.Sumathi
11. G.Kalaiselvi
12. N.Rajeswari
13. R.Selvam
14. P.Selvaraju
15. V.Kumaresan
16. K.Jeeva
17. V.Chandrasekaran
18. K.Kolandai
19. T.Sivamoorthy
20. M.Sarathi
21. D.Murugan
22. R.Manimaran
23. S.Jawahar
24. P.Kumar
25. S.Saravanan
26. K.Tamilarasan
27. K.Vijayaraghavan
28. K.Nanthakumar
29. C.Govindaraju
30. S.Kumaravel
31. K.Thirugnanasambandam
32. V.Kandasamy
33. J.Raghu
34. A.Bhoopalan
35. P.Prabhu
36. M.Ayyasamy
37. V.Kumar
38. S.Devi
39. G.Yasodha
40. G.Natarajan

41. S.Kala
42. K.Perumal
43. K.Baskaran

... 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 (Personal)
Directorate of School Education,
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Villupuram District
Villupuram.
5. The Chief Educational Officer,
Nagappatinam District,
Nagapattinam - 611 003.
6. The Chief Educational Officer,
Perambalur District,
Perambalur - 621 212.
7. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai - 606 601.
8. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur - 602 001.
9. The Chief Educational Officer,
Vellore District,
Vellore - 632 009.
10. The Chief Educational Officer,
Ooty, The Nilgiris District - 643 005.

11. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri - 635 001.

12. The Chief Educational Officer,
Dharmapuri District,
Dharmapuri - 636 701.

13. The Chief Educational Officer,
Cuddalore District,
Cuddalore.

14. The Chief Educational Officer,
Erode District,
Erode.

15. The Chief Educational Officer,
Salem District,
Salem - 636 116.

.. 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 4 to 15 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.Ka.5(1)) Department, dated 20.06.2019.

For Petitioners : Mrs.Nalinichidambaram for
Mr.N.R.R.Arun Natarajan

For Respondents : Mr.C.Munusamy
Spl.Govt.Pleader
for education.

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 petitioner has 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 4 to 15 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.Ka.5(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(CO)

//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 (Personal)
Directorate of School Education,
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Villupuram District
Villupuram.
5. The Chief Educational Officer,
Nagappatinam District,
Nagapattinam - 611 003.
6. The Chief Educational Officer,
Perambalur District,
Perambalur - 621 212.
7. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai - 606 601.
8. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur - 602 001.
9. The Chief Educational Officer,
Vellore District,
Vellore - 632 009.
10. The Chief Educational Officer,
Ooty, The Nilgiris District - 643 005.

11. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri - 635 001.

12. The Chief Educational Officer,
Dharmapuri District,
Dharmapuri - 636 701.

13. The Chief Educational Officer,
Cuddalore District,
Cuddalore.

14. The Chief Educational Officer,
Erode District,
Erode.

15. The Chief Educational Officer,
Salem District,
Salem - 636 116.

+1cc to M/s.Uma, Advocate sr.84673

+1cc to Government Pleader SR.NO. 85390

W.P.No.18820 of 2019
and WMP.Nos.18168 & 18170 of 2019

mp(co)
nr 28/01/2020