



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.18858 of 2019
and WMP.Nos.18220 to 18222 of 2019

M.S. Viveganandan

.. Petitioner

vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of School Education
Fort St.George, Chennai 600 009.
2. The Director of School Education
DPI Campus, College Road, Chennai - 600 006.
3. The Joint Director of School Education (Higher Secondary)
DPI Campus, College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Nagapattinam District.
5. The District Educational Officer,
Nagapattinam District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in relates to the G.O.(ID) No.218, School Education [Pa.Ka.5(1)] Department, issued by the school education department 1st respondent dated 20.06.2019 and quash the same in so far as condition No.9(i) is concerned and consequently, direct the respondents to permit the petitioner to participate in the counseling for transfer to be held in the academic year 2019-20 scheduled to be held on 08.07.2019 on or other subsequent dates for the vacancies to the post of Higher Secondary School Headmaster in Nagapattinam District.

For Petitioner : Mr. Ravichandran S.N

For Respondents : Mr.C. Munusamy
Spl. Government Pleader



O R D E R

The petitioner has filed the present writ petition challenging the G.O.(ID)No.218 School Education Department on the ground that there was arbitrariness regarding conducting general counseling for transferring the Teachers from one School to another School including the Teachers working in the Corporation and Municipality Middle School, Higher Secondary School. Challenging the Scheme framed in the above said G.O. the present writ petition has been filed.

2. The learned counsel for the petitioner would submit that challenging the very same G.O., writ petitions were filed before the Madurai Bench of this Court in W.P.Nos.14188 of 2019 and etc batch and the Madurai Bench of this Court has passed a detailed order in the said batch on 27.08.2019 and issued certain directions to the Government. He would further submit that similar order may be passed in this writ petition also.

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



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

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s/d-
Assistant Registrar(CO)

True Copy
Sub-Assistant Registrar

To

1. The Secretary to Government,
Department of School Education
Fort St.George, Chennai 600 009.
- 2.The Director of School Education
DPI Campus, College Road, Chennai - 600 006.
- 3.The Joint Director of School Education (Higher Secondary)
DPI Campus, College Road, Chennai - 600 006.
- 4.The Chief Educational Officer,
Nagapattinam District.
- 5.The District Educational Officer,
Nagapattinam District.

+1 CC to Mr.S.N. Ravichandran, Advocate sr 84778
+1 CC to The Govt. Pleader sr 85393.

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CP(CO)
SP(02/01/2020)