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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19171 of 2019

and WMP.Nos.18585 of 2019

P.Lakshmanan

.. Petitioner

vs

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.
 - 2.The Director of School Education,
O/o.The Director of School Education,
DPI Campus, Chennai- 6.
 - 3.The Joint Director of School Education (Higher Secondary)
O/o.The Joint Director of School Education, (Higher Secondary)
DPI Campus, Chennai-6.
 - 4.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Thiruvallore District, Thiruvallore.
 - 5.The District Educational Officer,
O/o.The District Educational Officer,
Thiuthani, Thiruvallore 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 entire records connected with the impugned G.O.(1D)No.218 School Education (Pa.Ka.5(1) Department dated 20.06.2019 issued by the 1st respondent as far as clause 9 (i) which contains a condition of 3 years service in the same school to participate in the counseling for transfer of Teachers/Headmasters is concerned and quash the same, consequently directing the respondents to permit the petitioner to participate in the counselling for transfer to be held in the academic year 2019-2020.

For Petitioner	:	M/s.K.Thilageswaran
For Respondents	:	Mr.C.Munusamy Spl.Govt.Pleader



O R D E R

The petitioner, Headmaster has filed the present writ petition challenging the G.O.(1D)No.218 School Education Department on the ground that there was arbitrariness regarding conducting general counselling 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 attended the General Transfer Counselling



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

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Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

kkd

To

1. Principal Secretary, State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
O/o. The Director of School Education,
DPI Campus, Chennai- 6.
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Thiruvallore District,
Thiruvallore.
5. The District Educational Officer,
O/o. The District Educational Officer,
Thiuthani, Thiruvallore District.

+1cc to Mr.K.Thilageswaran, Advocate, SR.No.85364.

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PM(CO)
CSR:20.01.2020