

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19380 of 2019
and WMP.Nos.18849 & 18852 of 2019

R.Swathi

.. Petitioner

Vs.

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

2. The District Educational Officer,
Cuddalore,
Cuddalore District.

3. The District Educational Officer,
Chidambaram,
Chidambaram District.

.. Respondents

Prayer.: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider the transfer application of the petitioner dated 26.06.2019 and direct the respondents to allow the petitioner to participate in the "general counseling".

For Petitioner	:	Mr.P.Ganesan
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 to direct the respondents to consider the transfer application of the petitioner dated 26.06.2019 and direct the respondents to allow the petitioner to

participate in the "general counseling", 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 petitioner 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 Director of School Education,
College Road,
Chennai - 600 006.
2. The District Educational Officer,
Cuddalore, Cuddalore District.
3. The District Educational Officer,
Chidambaram,
Chidambaram District.

+1 cc to Government Pleader Sr.No.

+1cc to M/s.C.S.Associates , Advocate SR.No. 84953

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A.SK(27/01/2020)