

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19355 of 2019
and W.M.P.No.18824 of 2019

K.Murugesan
Primary School Head Master,
Panchayat Union Primary School,
Vanavanmahadevi,
Nagappattinam District.

...Petitioner

vs.

- 1.State of Tamil Nadu,
Represented by Secretary,
School Education Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Nagappattinam District.
- 4.The District Educational Officer,
Nagappattinam District.
- 5.The Block Educational Officer,
Nagappattinam District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Mandamus, to direct the respondents herein to permit the petitioner to take part in the transfer counselling for the post of Elementary School Head Master on 12.07.2019 by accepting the application of the petitioner dated 28.06.2019 by considering the fact that the petitioner has completed three academic years in the same station from the Academic Year 2016-17.

For Petitioner : M/s.Dakshayani Reddy

For Respondents : Ms.P.Kavitha
Government Advocate

ORDER

The Writ Petition has been filed by the petitioner seeking direction to direct the respondents herein to permit the petitioner to take part in the transfer counselling for the post of Elementary School Head Master on 12.07.2019 by accepting the application of the petitioner dated 28.06.2019 by considering the fact that the petitioner has completed three academic years in the same station from the Academic Year 2016-17.

2.The case of the petitioner is that the petitioner was appointed in the post of Secondary Grade and subsequently promoted as Elementary School Head Master. In the year 2016-17, the petitioner took part in the transfer counselling and was in the present station. Thereafter, the Government issued G.O.No.218 laying down the norms for transfer counselling for the year 2019-20. Para 9 of the said Government order stipulates a condition that a candidate ought to have worked in the present station for a period of 3 years to be eligible to take part in the counselling. The said para itself by way of an example, states that an individual who has taken part in the counselling for the Academic Year 2018-19 cannot take part in the transfer counselling upto the year 2020-21. But the very same analogy, the petitioner is entitled to take part in the present counselling inasmuch as he took part in the counselling held during the year 2016-17. In consonance with G.O.No.218, the present Writ Petition has been filed before this Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner took part in the transfer counselling for the year 2016-17. After completion of 3 years in the same station, the petitioner is entitled to participate in the general counselling as per G.O.No.218 and he prayed for appropriate directions to permit the petitioner to participate in the general counselling as per the aforesaid G.O.

4.The learned Government Advocate appearing for the respondents conceded the request made by the learned counsel appearing for the petitioner.

5.Considering the facts and circumstances of the case, the petitioner took part in the 2016-17 transfer counselling and completed 3 years in the same station as per G.O.No.218, the petitioner is entitled to participate in the general counselling. In consonance with G.O.No.218, I am inclined to permit the petitioner to participate in the general counselling to be held for the year 2019-20.

6.With the above observation and direction, the Writ Petition stands ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

pam

To

- 1.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Nagappattinam District.
- 4.The District Educational Officer,
Nagappattinam District.
- 5.The Block Educational Officer,
Nagappattinam District.

+1cc to M/s.Dakshayani Reddy, Advocate SR.88510

+1cc to the Government Pleader SR.89666,85418

W.P.No.19355 of 2019

SVI(CO)

CB(11/12/2019)