

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19539 of 2019
and WMP.Nos.19028, 19030, 19033 of 2019

A.John Duraikumar

.. Petitioner

vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Secretariat, Chennai 600 009.

2.The Director
Department of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai- 6.

3.The Joint Director
Higher Secondary School,
Chennai 600 006.

4.The Chief Educational Officer,
Erode District.

5. The District Educational Officer,
Erode District.

.. Respondents

Prayer.: Writ Petition filed under Article 226 of the Constitution of India it is prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction or any other Writ in the nature of a Writ of Certiorarified Mandamus Calling for the records relating to the impugned G.O. (1D) No.218 School Education Department (Pa. Ka 5 (1)) Department dated 20.6.2019 and quash the same in so far as Impugned Clause 9 (i) of G.O. (1D) No. 218 School Education (Pa. Ka. 5 (1) Department dated 20.6.2019 in so far as the petitioner is concerned and consequently directing the respondents herein to accept the application dated 26.6.2019 of the petitioner for request transfer and permit the petitioner herein to participate in the counselling 2019-2020 for transfer scheduled on 10.7.2019 as per application of the petitioner dated 26.6.2019 on merit and in

accordance with Law and pass orders pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice.

For Petitioner : M/s.R. Russel Raja
For Respondents : Mr C.Munusamy
Spl.Govt.Pleader.

O R D E R

The petitioner, Post Graduate Teacher(Chemistry) 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 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 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 stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

kkd

To

1. The Principal Secretary,
Department of School Education,
Secretariat, Chennai 600 009.
 2. The Director
Department of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai- 6.
 3. The Joint Director
Higher Secondary School,
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 4. The Chief Educational Officer,
Erode District.
 - 5 The District Educational Officer,
Erode District.
- +1 CC to Govt. Pleader sr 85430.

W.P.No.19539 of 2019
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19033 of 2019

SJ(CO)
SP(18/11/2019)