

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.20180 of 2019

and

WMP.No.19607 of 2019

C.B.Shajahan

.. Petitioner

vs

1.State of Tamil Nadu,
Rep. by its Principal Secretary to Government
School Education Department,
Fort St.George, Chennai 600 009.

2.The Director of Elementary Education,
Directorate of Elementary Education,
College Road, Chennai- 6000 006.

3.The District Educational Officer,
OOTy, The Nilgiris District,
Nilgiri 643 005.

.. Respondents

Prayer.: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from preventing the petitioner from participating in the promotion Counselling for promotion as Middle School BT Assistant to be held on 11.07.2019 pursuant to G.O.(1D) No.218 School Education (Pa.Ka.5(1) Department dated 20.06.2019 in view of pendency of proceedings under rule 17(b) of the Civil Service Discipline and Appeal) Rules and consequently direct the 3rd Respondent to permit the petitioner to participate in the promotion Counselling to be conducted on 11.07.2019 or any other subsequent dates pursuant to G.O.(1D) No.218, School Education (Pa.Ka.5(1)) Department dated 20.06.2019.

For Petitioner : Mrs.Nalini Chidambaram, S.C. for
M/s.Uma.C

For Respondents : Mr .A.Rajaperumal
Addl.Govt.Pleader.

O R D E R

The petitioner, a Secondary Grade Teacher 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 Additional 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 (CCC)

//True Copy//

Sub Assistant Registrar

kkd

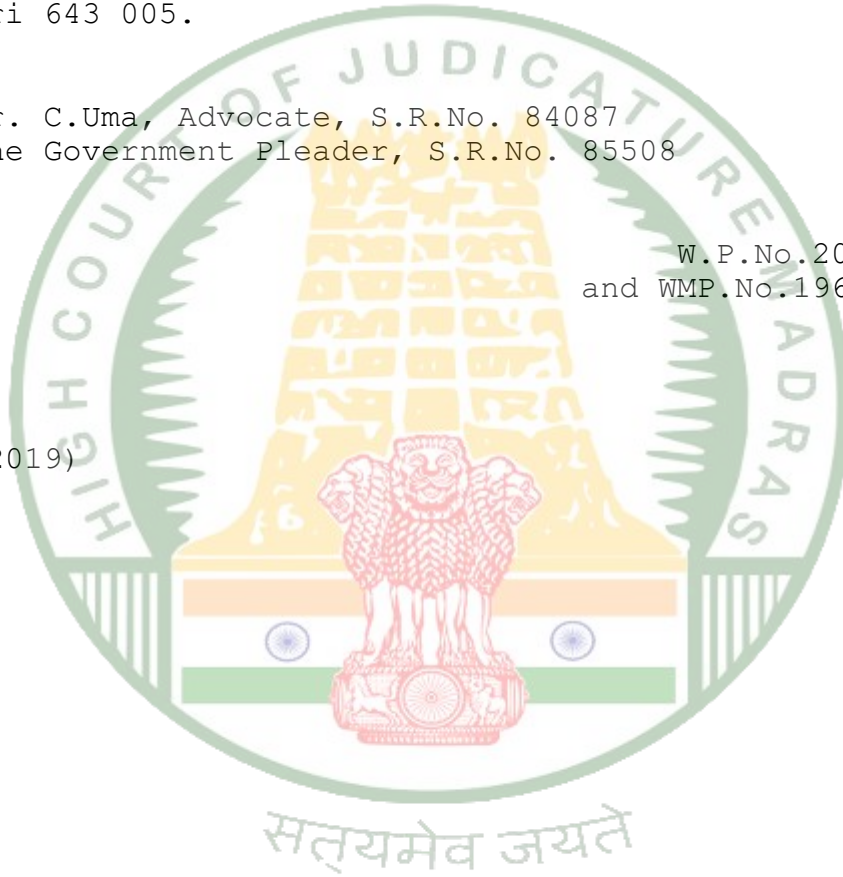
To

- 1.The Principal Secretary to Government
School Education Department,
Fort St.George, Chennai 600 009.
- 2.The Director of Elementary Education,
Directorate of Elementary Education,
College Road, Chennai- 6000 006.
- 3.The District Educational Officer,
OOTy, The Nilgiris District,
Nilgiri 643 005.

+1cc to Mr. C.Uma, Advocate, S.R.No. 84087
+1cc to the Government Pleader, S.R.No. 85508

W.P.No.20180 of 2019
and WMP.No.19607 of 2019

NRL (CO)
GN (27/11/2019)



WEB COPY