

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29607 of 2019

and

W.M.P.Nos.29503, 29504, 29507 & 29509 of 2019

- 1.G.Elumalai
- 2.S.Vijayakumar
- 3.P.Ravichandran
- 4.K.Elangovan

.. Petitioners

-vs-

- 1.The State of Tamil Nadu,
Rep., by its Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,
Directorate of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Villupuram District,
Villupuram-605 602.
- 4.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam-611 003.
- 5.The Chief Educational Officer,
Thiruvannamalai,
Thiruvannamalai-606 601.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to G.O.(1D) No.393, School Education (Pa.Ka.5(1)) Department, dated 04.10.2019 and quash the same insofar as the said G.O. has restricted the right to apply for and participate in the General Transfer Counselling in the academic year 2019-20 only to teachers who filed writ petitions challenging the restrictive clause in G.O.Ms.No.218, School Education Department dated 20.06.2019 and consequently direct the respondents to permit the petitioners to participate in the General Transfer Counselling to be held for the academic year 2019-20.

For Petitioner : Mrs.Nalini Chidambaram,
Senior Counsel
assisted by M/s.C.Uma

For Respondents : Mr.C.Munusamy,
Special Government Pleader (Edn.)

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The learned Senior Counsel appearing for the petitioners would submit that the petitioners have filed this writ petition challenging the restrictive Clause 9 in G.O.(1D) No.393, School Education (Pa.Ka.5 (1)) Department dated 04.10.2019. The similarly situated persons already filed writ petitions challenging the G.O.Ms.No.218 School Education Department dated 20.06.2019, wherein this Court permitted the petitioners therein to participate in the General Transfer Counselling. Thereafter G.O.(1D) No.393, School Education (Pa.Ka.5 (1)) Department dated 04.10.2019 was passed permitting those petitioners to participate in the said counselling. However, clause 9 in the said order has restricted the right to participate in the counselling to the persons who already challenged the G.O.Ms.No.218 School Education Department dated 20.06.2019. She further submits that so far the petitioners have not filed any writ petition and therefore they are not allowed to enjoy the same benefit. Hence, the petitioners have filed the present petition and she seeks that it would suffice to issue direction to consider the petitioners' case on par with the persons who already approached this Court by challenging the said G.O.Ms.No.218 School Education Department dated 20.06.2019 and this Court need not to interfere with G.O.(1D) No.393, School Education (Pa.Ka.5 (1)) Department dated 04.10.2019.

3.Considering the same, Mr.C.Munusamy, Special Government Pleader would submit that already this Court passed order permitting the petitioners therein to participate in the counselling and thereafter clause 9 was inserted in the G.O.(1D) No.393, School Education (Pa.Ka.5 (1)) Department dated 04.10.2019, thereby the persons who approached this Court challenging the G.O.Ms.No.218 School Education Department dated 20.06.2019 were entitled to get the benefit of participating in the said counselling. However, the petitioners' case also will be considered in accordance with law.

4.Considering the limited request made by the learned Senior Counsel appearing for the petitioners, though the petitioners did not file any writ petition earlier before this Court, in order to avail the same benefit by the petitioners, the respondents are directed to consider the petitioners' case and allow the petitioners to participate in the General Transfer

Counselling, if the petitioners satisfy the criteria already laid down.

5. With the above observations, this writ petition is disposed of. Consequently, connected miscellaneous petitioners are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.
2. The Director of School Education,
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Nagapattinam District,
Nagapattinam-611 003.
5. The Chief Educational Officer,
Thiruvannamalai,
Thiruvannamalai-606 601.

+1 cc to M/s.C.Uma, Advocate Sr.No. 86757
+1 cc to The Government Pleader Sr.No.87742

AKM/19.11.19/3P-8C /

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