

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30088 of 2019
and

W.M.P. Nos. 30033 & 30037 of 2019

N.Poobalamurugan

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2. The Director of School Education,
DPI Campus, Chennai - 600 006.

3. The Chief Educational Officer,
Tiruvallore District,
Thiruvallur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in connection with the G.O. (id) 393 of Education (Pa Ka 5(1) Department dated 04.10.2019 of the first respondent and quash the condition prescribed in Para 9 (i) (aa) of the said G.O, insofar as it permits only those who had applied for transfer among the petitioners before the Hon'ble High Court of Madras in Madurai Bench in W.P.(MD) No. 14188 of 2019 and direct the first respondent to permit the petitioner to participate in the general counselling for transfer as Head Master for the year 2019-20.

For Petitioner : Ms.K.Gayathri

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

O R D E R

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

2.The learned Counsel appearing for the petitioner would submit that the petitioner has 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 petitioner 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 this petitioner 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 petitioner has not filed any writ petition and therefore they are not allowed to enjoy the same benefit. Hence, the petitioner has filed the present petition and he 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 Counsel appearing for the petitioner, though the petitioner did not file any writ petition earlier before this Court, in order to avail the same benefit by the petitioner, the respondents are directed to consider the petitioners' case and allow the petitioner to participate in the General Transfer Counselling, if the petitioner satisfy the criteria already laid down.

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

ebsi

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

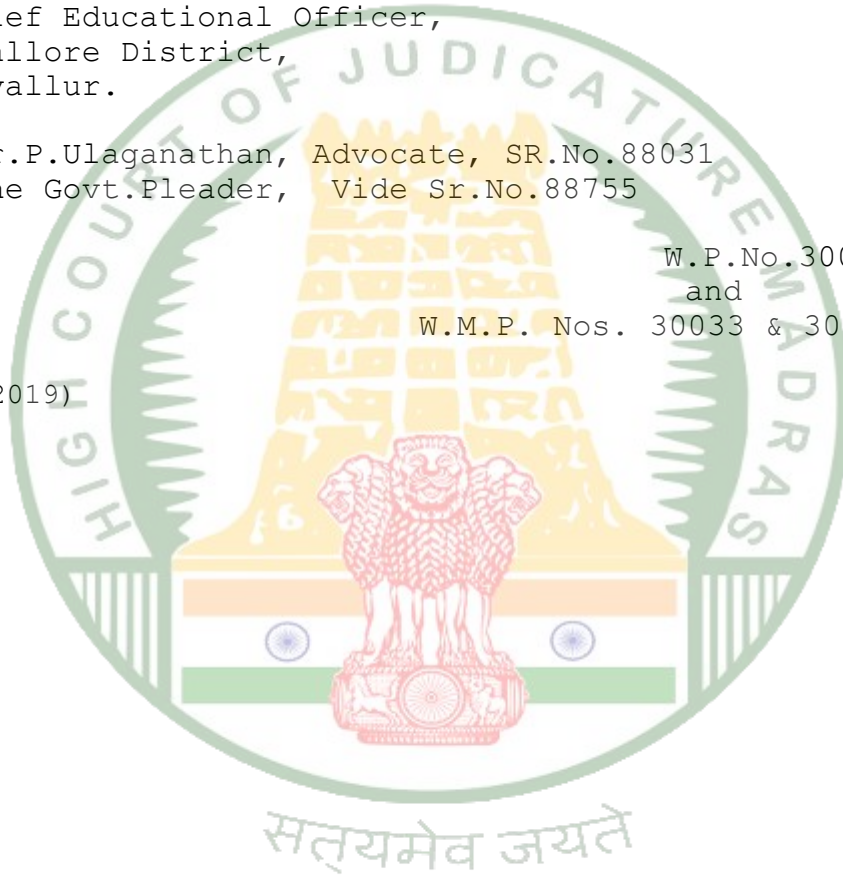
1. The Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus,
Chennai - 600 006.
3. The Chief Educational Officer,
Tiruvallore District,
Thiruvallur.

+1cc to Mr.P.Ulaganathan, Advocate, SR.No.88031
+1cc to the Govt.Pleader, Vide Sr.No.88755

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Kak(24/10/2019)



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