

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29858 of 2019

and

W.M.P.Nos.29765 and 29767 of 2019

M.Thaslima

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai- 600 006.

3.The District Educational Officer,
Thirukovilur Educational District,
Villupuram District.

4.The Block Educational Officer,
Rishivanthiyan Block,
Villupuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the first respondent in G.O.(1D) No.218, School Education (Pa.Ka.5(1)) Department dated 20.06.2019 and to quash the same in so far as the condition of three years service in a school in para 9(1) of the order is concerned and consequently directing the respondents to allow the petitioner to participate in the ensuing transfer counselling to be conducted for the category of Secondary Grade Teacher in Elementary Education with all consequential and other attended benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Ms.P.Kavitha
Government Advocate

ORDER

This writ petition has been filed to call for the records relating to the impugned order issued by the first respondent in G.O.(1D) No.218, School Education (Pa.Ka.5(1)) Department dated 20.06.2019 and to quash the same in so far as the condition of three years service in a school in para 9(1) of the order is concerned and consequently directing the respondents to allow the petitioner to participate in the ensuing transfer counselling to be conducted for the category of Secondary Grade Teacher in Elementary Education with all consequential and other attended benefits.

2.The case of the petitioner is that the petitioner is a Secondary Grade Teacher in Panchayat Union Middle School, Palaya Siruvangur from 16.08.2016 and was transferred and deployed as Montessori Teacher in Anganwadi Centre in Palaya Siruvangur PUMS Campus as per the transfer order issued by the third respondent dated 11.01.2019. The Government order states that after completion of three years, the petitioner is entitled to transfer. Aggrieved over same, this writ petition came to be filed.

3.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.

4. The learned Government Advocate 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 also perused the above decision.

5. The very same prayer has been dealt with in the batch of writ petitions in W.P.Nos.15188 of 209 and etc batch dated 27.08.2019 by the Madurai Bench of this Court. This Court also perused the above decision and heard the submissions made on either side. 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."

6.In view of the above, this Court is of the view that the petitioner is entitled for redeployment to the original school without reference to the period of three years and the respondents are directed to extend the same benefit to the petitioner herein. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai- 600 006.
- 3.The District Educational Officer,
Thirukovilur Educational District,
Villupuram District.
- 4.The Block Educational Officer,
Rishivanthiyan Block,
Villupuram District.

+1cc to the Government Pleader Sr.89196
+1cc to Mr.G.Sankaran, Advocate Sr.88644

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and

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srg 03/12/2019

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