

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30036 of 2019

and WMP Nos.29955 & 29958 of 2019

S.Uma

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat,
Fort St. George,
Chennai - 9
2. The Director of School Education,
College Road, Chennai.
3. The Chief Educational Officer,
Namakkal District, Namakkal.
4. The District Educational Officer,
Namakkal District,
Namakkal.
5. The Head Master,
Government High School,
Thathatharipuram,
Namakkal District.
6. The Block Educational Officer,
Puduchathiram Panchayat Union,
Puduchathiram, Namakkal District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in relation to the proceedings issued in Na.Ka.No.12935 /A2/2018 dated 28.08.2019 issued by the 3rd respondent and quash the same and issue a consequential direction to the respondents to allow the petitioner to continue as B.T.Assistant in Tamil at Government High School, Thathatharipuram, Namakkal District.

For Petitioner : Mr.R.Saseetharan
For Respondents : Mrs.P.Kavitha,
Government Advocate

O R D E R

This writ petition has been filed by the petitioner seeking for a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in relation to the proceedings issued in Na.Ka.No.12935 /A2/2018 dated 28.08.2019 issued by the 3rd respondent and quash the same and issue a consequential direction to the respondents to allow the petitioner to continue as B.T.Assistant in Tamil at Government High School, Thathathiripuram, Namakkal District.

2. The case of the petitioner is that the petitioner was initially appointed as Secondary Grade Teacher on 06.12.1990 at Panchayat Union Middle School, Salem District. Subsequently, promoted and finally on 17.08.2015 as Head Master to Panchayat Union Middle School, Thathathiripuram in same Panchayat Union. The petitioner states that it is the practice and procedure of the Government that whenever a need arise the Panchayat Union Middle School will be upgraded as Government High School. On such upgradation, standards 1 to 5 will be retained as Panchayat Union Primary School and the Standard 6 to 8 would be upgraded as Government High School by adding standard 9 and 10th and that the teacher who give willingness to absorb in the high school , will be absorbed as teachers.

3. However, to the shock and surprise of the petitioner, the Chief Educational Officer, Namakkal district by an order dated 28.08.2019 had transferred the petitioner from Government High School, Thathathiripuram to Government High School, Seppankulamparri at Kollihills, Namakkal District, after promoting one K.Sumathi in the place of petitioner, who is a junior. Challenging the said transfer order be illegal, the petitioner filed this writ petition.

4. Mr.R.Saseetharan, learned counsel for the petitioner submitted that the petitioner availed Medical leave and not joined the post till now. The learned counsel further submitted that she is ready to join the school at Kollihills, where she was transferred to, but requested this Court to permit her to make representation seeking for transfer to any nearby school at Salem, Karur, Erode.

5. Heard the submission of both sides and perused the material placed before it.

6. Though the petitioner has sought for a larger relief, this Court without going into the merits of the case, directs the petitioner to give fresh representation within a period of one week from the date of receipt of copy of this order and the respondent on receipt of such representation, shall consider and pass orders on merits and in accordance with law, within a period of four weeks thereafter.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rka

To

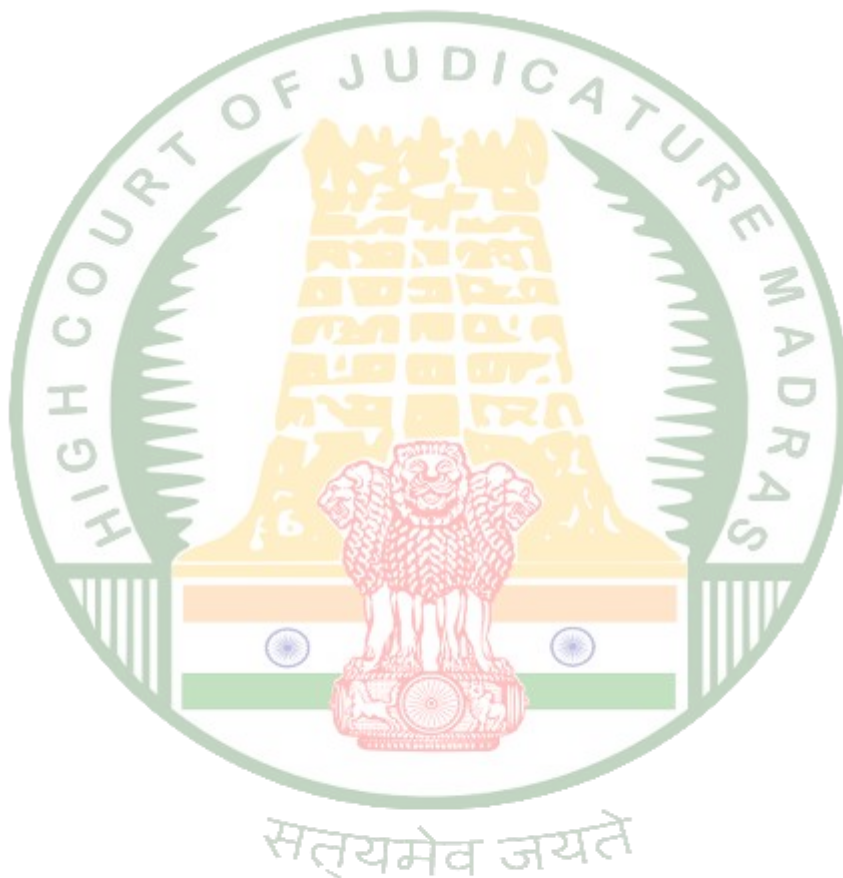
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6. The Block Educational Officer,
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Puduchathiram, Namakkal District.

+1cc to Government Pleader SR.NO. 99995
+1cc to Mr.R.Saseetharan, Advocate sr.99596

W.P.No.30036 of 2019

sj(co)
nr 08/01/2020



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