

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.31047 and 31052 of 2019
and

WMP.Nos.31151, 31153, 31154, 31160, 31161 & 31162 of 2019

K.Porkudi ... Petitioner in W.P.No.31047/2019

M.Mohana ... Petitioner in W.P.No.31052/2019

vs

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

2.The Director of School Education
Nungambakkam, Chennai-6.

3.The Joint Director of School Education
Department (Personal)
College Road, Nungambakkam
Chennai.

4.The Joint Director of School Education
Department (Higher Secondary)
College Road, Nungambakkam
Chennai.

5. The Chief Educational Officer
O/o. the Chief Educational Officer
Ariyalur District.

... Respondents in
both WPs.

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent vide G.O.(1D).No.218, School Education (Pa.Ka.5(1)) Department dated 20.06.2019, quash the same as illegal insofar as it relates to clause 9(i) is concerned and consequently to direct the respondents to allow the petitioners to take part in the transfer counselling

scheduled to be fixed by the respondents in conformity with G.O. (1D)No.256, School Education Department, dated 19.04.2017 within the period that may be stipulated by this Court.

For Petitioners:Mr.S.Nambi Arooran

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

O R D E R

Writ petitions are filed for issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent vide G.O.(1D). No.218, School Education (Pa.Ka.5(1)) Department dated 20.06.2019, quash the same as illegal insofar as it relates to clause 9(i) is concerned and consequently to direct the respondents to allow the petitioners to take part in the transfer counselling scheduled to be fixed by the respondents in conformity with G.O.(1D)No.256, School Education Department, dated 19.04.2017 within the period that may be stipulated by this Court.

2.Heard the learned counsel appearing for the petitioners as well as the learned Special Government Pleader appearing for the respondents. By consent, the writ petitions are taken up for final disposal.

3.The petitioners, who are Headmistress, have filed the present writ petition challenging the G.O.(ID)No.218 School Education (Pa.Ka.5(1)) Department, dated 20.06.2019, 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 petitions have been filed.

4. The learned counsel for the petitioners 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 these writ petitions also.

5. The learned Special 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.

6. 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."

7. In view of the above, this Court directs to extend the
same benefit to the petitioners herein. Accordingly, the writ
petitions stand disposed of. No costs. Consequently,
connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

kj

To

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

WEB COPY

2.The Director of School Education
Nungambakkam, Chennai-6.

3.The Joint Director of School Education
Department (Personal)
College Road, Nungambakkam, Chennai.

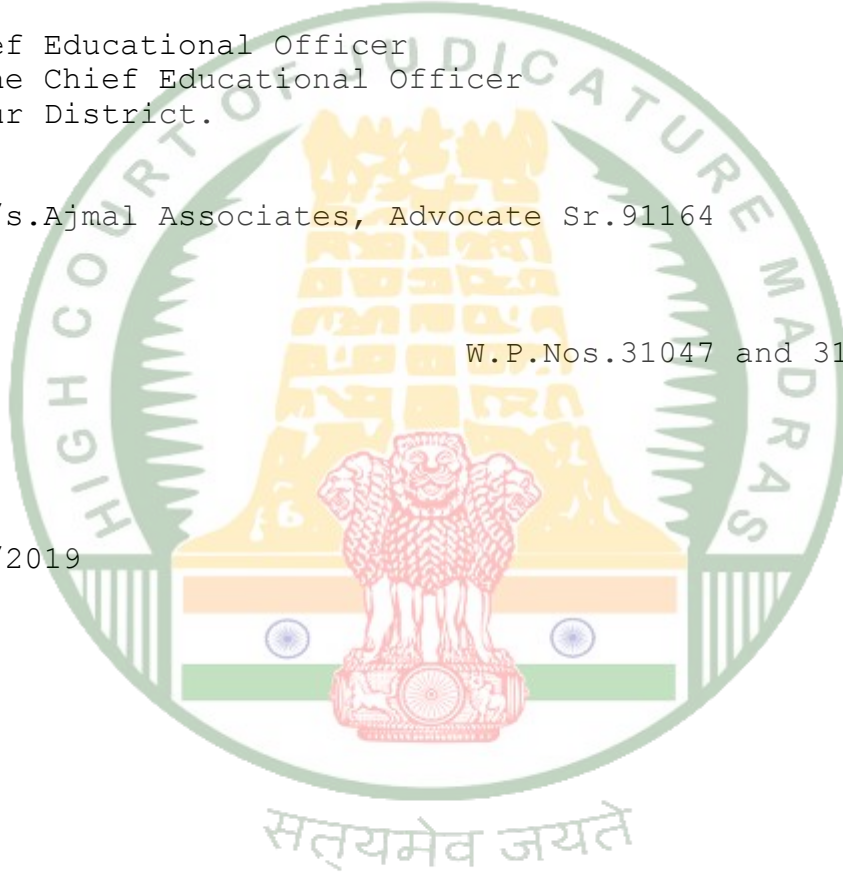
4.The Joint Director of School Education
Department (Higher Secondary)
College Road, Nungambakkam
Chennai.

5.The Chief Educational Officer
O/o. the Chief Educational Officer
Ariyalur District.

+2cc to M/s.Ajmal Associates, Advocate Sr.91164

W.P.Nos.31047 and 31052 of 2019

mp[col
srg 13/12/2019



WEB COPY