

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.31836 of 2019
and WMP.Nos.32076, 32077 and 32078 of 2019

1. M.Mohamed Kaja Muhaideen
2. A.Thangamuthu
3. N.Santhi
4. K.Amirthavalli

.. 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
Erode District
Erode-638 001.
- 4.The Chief Educational Officer
Tiruppur District,
Tiruppur-641 604.
- 5.The Chief Educational Officer
Nilgiris District
Nilgris.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to G.O (1D) No.218, School Education (Pa.Ka.5(1)] Department, dated 20.06.2019 issued by the 1st respondent and quash the same insofar as Clause 9 (i) is concerned and consequently direct the respondents to permit the petitioners to participate in the General Transfer Counselling to be conducted on 13.11.2019 or any other subsequent dates for PG Assistants in the academic year 2019-2020 subject to satisfying the guidelines laid by the Madurai Bench of the Madras High Court dated 27.08.2019 in W.P.(MD) No.14188 of 2019 and connected Writ Petitions.

For Petitioners : M/s.C.Uma
For Respondents : Mr.C.Munusamy,
Special Government Pleader
(Education)

O R D E R

The first petitioner, who is the PG Assistant (Chemistry) of Government Model Higher Secondary School, Pattimaniyakarapalayam, Erode District; the second petitioner, who is the PG Assistant (Physics) of Government Higher Secondary School, Kolathupalayam, Dharapuram, Trippur District; the third petitioner, who is the PG Assistant (Commerce) of Government Higher Secondary School, Hubbathalai, Nilgiri District; the fourth petitioner, who is the PG Assistant (Commerce) of Arignar Anna Government Higher Secondary School, Coonoor, Nilgiri District, have filed the present writ petition challenging the G.O.(ID)No.218, School Education Department, 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 petition has been filed.

2. 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 this writ petition also.

3. 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 also perused the above decision.

4. 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."

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

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
School Education Department
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2. The Director of School Education
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5. The Chief Educational Officer
Nilgiris District, Nilgris.

+1CC to M/s.Uma, Advocate, SR.No.93451.

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[½]

RJI (CO)
CSR(11/12/2019)