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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM :

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.31985 & 31993 of 2019

and

W.M.P. Nos.32228, 32234, 32237 & 32239 of 2019

1.R.Anitha
2.G.Maheswari

... Petitioners
in W.P.No.31985 of 2019

J.Anuradha

... Petitioner
in W.P.No.31993 of 2019

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,
Salem District,
Salem.

... Respondents
in W.P.No.31985 of 2019

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,
Villupuram District,
Villupuram.

... Respondents
in W.P.No.31993 of 2019



Common Prayer : Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to G.O. (1D) No.218, School Education (Pa.Ka.5(1)) Department, dated 20.06.2019 passed by the 1st respondent and quash the same insofar as Clause 9 (i) is concerned and consequently to direct the respondents to permit the petitioner 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 by giving preferential treatment to the petitioners in the General Transfer Counselling since the petitioners are now working in schools on deployment.

For Petitioner(s) : Mrs.Nalini Chidambaram
Senior Counsel
for Mrs.C.Uma
in both writ petitions

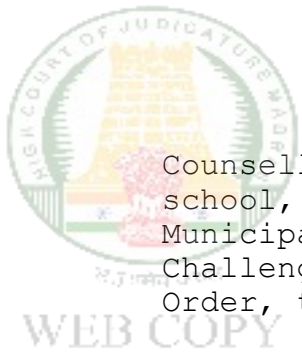
For Respondents : Ms.P.Kavitha
Government Advocate
in both writ petitions

C O M M O N O R D E R

Writ petitions are filed for issuance of Writ of Certiorarified Mandamus to call for the records relating to G.O. (1D) No.218, School Education (Pa.Ka.5(1)) Department, dated 20.06.2019, passed by the 1st respondent and quash the same insofar as Clause 9 (i) is concerned and to 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.

2.Heard the learned Senior Counsel appearing for the petitioners as well as the learned Government Advocate appearing for the respondents.

3.The petitioners in W.P.Nos.31985 and 31993 of 2019, working as P.G.Assistants and B.T.Assistant (Science) respectively, have filed the present writ petitions, challenging the Government Order in G.O.(1D) No.218, School Education (Pa.Ka. 5(1)) Department, dated 20.06.2019, on the ground that there was arbitrariness regarding conducting of General Transfer



Counselling for transferring teachers from one school to another school, including the teachers working in the Corporation and Municipality Middle Schools and Higher Secondary Schools. Challenging the Scheme framed in the above said Government Order, the present writ petitions have been filed.

4.Learned Senior Counsel appearing for the petitioners would submit that, challenging the very same Government Order, a batch of writ petitions were filed before the Madurai Bench of this Court in W.P.Nos.14188 of 2019, etc. and the Madurai Bench of this Court has passed a detailed order in the said batch on 27.08.2019 and has issued certain directions to the Government. The learned Senior Counsel would further submit that a similar order may be passed in these writ petitions also.

5.Learned Government Advocate appearing on behalf of the respondents submitted that the respondents/Government accepted the recommendations made in the decision in paragraph No.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, etc. dated 27.08.2019 by the Madurai Bench of this Court. It is useful to extract hereunder the relevant paragraph, i.e. Para 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



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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, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
State of Tamil Nadu,
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,
Salem District,
Salem.

4.The Chief Educational Officer,
Villupuram District,
Villupuram.

+2cc to Mr.C.Uma, Advocate, S.R.No. 94054 & 94055

+1cc to the Government Pleader, S.R.No. 95120

W.P.Nos.31985 & 31993 of 2019

PA(CO)
GN(23/01/2020)