

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32132 of 2019
and
W.MP.No.32406 of 2019

A.Lokeswari

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Petitioner

Vs

- 1 The Director of School Education,
DPI Campus, Chennai - 600006.
- 2 The Joint Director of School
Education (Per.S), DPI Campus,
Chennai - 600006.
- 3 The Chief Educational Officer
Thiruvallur.
- 4 The Headmistress
Government Higher Secondary School,
Vediyangadu.

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Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus Directing the Respondents herein to forthwith re-transfer the Petitioner from Government High School Sembarambakkam to Government Higher Secondary School Vediyangadu in the existing or next arising second post of BT Assistant (English) in the said School on the basis of her seniority.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.P.Kavitha, Government Advocate

O R D E R

- 1.The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the Respondents herein to

forthwith re-transfer the Petitioner from Government High School Sembarambakkam to Government Higher Secondary School VEDIYANGADU in the existing or next arising second post of BT Assistant (English) in the said School on the basis of her seniority.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.
3. The case of the petitioner is that she has appointed as BT Assistant (English) on 25.09.2014 and posted at Government Higher Secondary School, VEDIYANGADU, Thiruvallur District. The grievance of the petitioner is that the third respondent with reference to certain proceedings of 2nd respondent, in and by her order dated 28.08.2019, had declared the petitioner as surplus and consequently, she was transferred to Government Higher Secondary School, Sembarambakkam. According to the petitioner, originally one post only became surplus but for the reasons best known to the authorities, two persons have been transferred and the petitioner is senior among them and she obliged the transfer order and joined transferred place. The petitioner claims that she is entitled to reposted in the erstwhile place if one post is declared as surplus, and the second post of BT Assistant is very much available. Therefore, the petitioner made a representations on 01.11.2019 and 04.11.2019, seeking to re-transfer to the erstwhile place. However, as there is no action forthcoming from the respondents, the petitioner is before this Court.
4. The learned counsel appearing for the petitioner would submit that the petitioner was has been transferred on the premise that there were two surplus posts in Government Higher Secondary School, VEDIYANGADU, Thiruvallur District where the petitioner was originally working. But in fact there was only one surplus post and hence the petitioner being senior, is entitled to be re-transfer to the erstwhile posting place. Therefore, the learned counsel would implore this Court to give direction to the respondents to pass appropriate orders.
5. The learned Government Advocate appearing for the respondents conceded to the request as submitted by the learned counsel appearing for the petitioner. He would submit that if this Court directs the respondents to consider and dispose of the representations made by the petitioner, the same would be complied with and the representations would be disposed of in accordance with law.
6. Considering the limited request made by the learned counsel appearing for the petitioner, I am inclined to issue direction to the respondents to consider the petitioner's representations dated 01.11.2019 and 04.11.2019 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1 The Director of School Education,
DPI Campus, Chennai - 600006.

2 The Joint Director of School
Education (Per.S), DPI Campus,
Chennai - 600006.

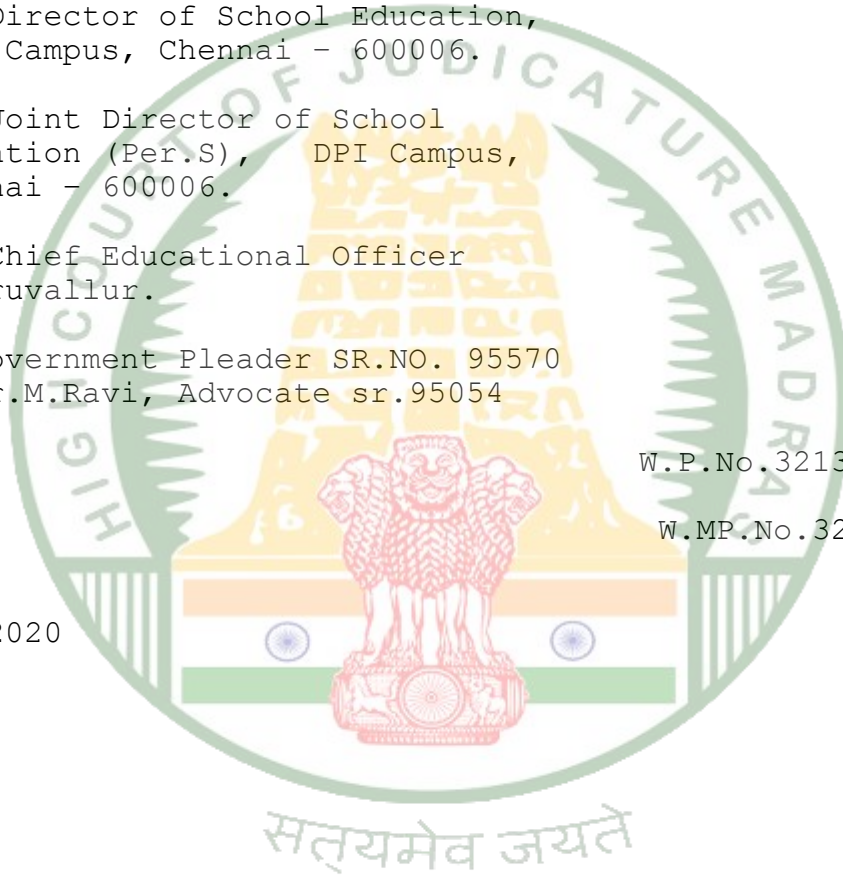
3 The Chief Educational Officer
Thiruvallur.

+1cc to Government Pleader SR.NO. 95570

+1cc to Mr.M.Ravi, Advocate sr.95054

W.P.No.32132 of 2019
and
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