

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32706 of 2019

&

W.M.P.No.33122 of 2019

N.Ravisankar

.. Petitioner

Vs.

1.The Government of Tamil Nadu
Rep by Secretary to the Government
School Education Department
Fort St. George
Chennai - 600 009.

2.The Director of School Education
College Road, Chennai - 6.

3.Chief Educational Officer
Thiruvallur District
Thiruvallur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider the case the petitioner for transfer, for the academic year 2019-20 under the priority category Spouse Working by extending the exemption clause given G.O.(1D)No.393 School Education (SE5 (1)) Department dated 04.10.2019, to other priority categories, and transfer the petitioner to the post of P.G.Assistant Commerce to any one of the vacancies available in Hosur Education District in Krishnagiri Revenue District.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to consider the case of the petitioner for transfer, for the academic year 2019-20 under the priority category Spouse Working by extending the exemption clause given G.O.(1D)No.393 School Education (SE5 (1)) Department dated 04.10.2019, to other priority categories, and transfer the petitioner to the post of P.G.Assistant Commerce to any one of the vacancies available in Hosur Education District in Krishnagiri Revenue District.

2. It is the case of the petitioner is that he was promoted as P.G.Assistant in Commerce and posted at Jaigopal Garodia Government Higher Secondary School, Thiruvotriyur, Thiruvallur District on 18.06.2018. His wife, namely, H.Vijayalakshmi is working as B.T.Assistant at Government Girls Higher Secondary School, Bagalur, Krishnagiri District which is 300 KM away from the present station.

3. On 20.06.2019, the Government issued G.O.(1D) 218, for general transfer in counseling as well as Priority categories and the petitioner applied for transfer to Hosur Education District in Krishnagiri Revenue District under priority category. This Court by order dated 27.08.2019 modified the said G.O which provides for prohibition against the teacher who has not completed 3 years in present station to participate in the counseling. Subsequently, on 04.10.2019, the Government issued G.O.(1D) No.393 and directed that the teacher who got transfer/promotion in the previous academic year 2018-19 are entitled to participate the counseling for the academic year 2019-20 but restricted said clause only for teachers who approached the Court and obtain orders. On 15.11.2019, a general transfer counseling was conducted, however, the petitioner was not permitted to participate the counseling on the ground that he had not approached the Court and obtain orders. Hence, the present Writ Petition came to be filed.

4. The learned counsel appearing for the petitioner would submit that it would be suffice to issue direction to the respondents to consider and dispose of the representation made by the petitioner in the light of the G.O.(1D) No.393 dated 04.10.2019.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the respondents to consider and dispose of the representation made by the petitioner for transfer, in the light of the G.O.(1D) No.393 dated 04.10.2019 within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to the Government
School Education Department
Fort St. George
Chennai - 600 009.

2.The Director of School Education
College Road, Chennai - 6.

3.The Chief Educational Officer
Thiruvallur District
Thiruvallur.

+1cc to Mr.R.Saseetharan, Advocate SR.No. 96998

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BP (CO)
A.SK(25/11/2019)

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