

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33561 of 2019
and
W.M.P.No.34025 of 2019

S.Santhoshkumar

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-600 006

2.The Chief Educational Officer,
Villupuram District.

3.The District Educational Officer,
Tindivanam Education District,
Villupuram District.

4.The Block Development Officer,
Olakkur Block,
Villupuram District.

5.Ms.Sugasini

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 18.11.2019 and to transfer the petitioner to the post of B.T.Assistant (Maths) in Panchayat Union Middle School, Melpakkam, Olakkur Block, Villupuram District based on transfer within the Union prior to giving posting to 5th respondent the same post by District transfer.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Raja, Govt.Advocate

O R D E R

This petition has been filed by the petitioner to to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 18.11.2019 and to transfer the petitioner to the post of B.T.Assistant (Maths) in Panchayat Union Middle School, Melpakkam, Olakkur Block, Villupuram District based on transfer within the Union prior to giving posting to 5th respondent the same post by District transfer.

2.The case of the petitioner is that the petitioner has worked as B.T.Assistant (Maths) in Panchayat Union Middle School (PUMS), Kadavampakkam, Olakkur Block. As per Government Orders, there will be a transfer counseling every year as per which the transfer of willing teachers will be conducted within the Union and therefore the transfer outside the Union and outside the District will be conducted. For the present year, the transfer counseling was sought to be conducted on 11.07.2019. Since there was a vacancy to the post of B.T.Assistant (Maths) in PUMS Melpakkam (Olakkur Block), the petitioner submitted application to participate in the counseling. However, a day before the date of counseling i.e. 10.07.2019, one Mrs.Sakthi working in Mugaiyur Block was transferred and posted in Melpakkam School as B.T. Assistant (Maths). Therefore, there is no vacancy to the post of B.T.Assistant (Maths) on the date of counseling on 11.07.2019. However, later it was found that the said Mrs.Sakthi was wrongly deployed and accordingly the earlier deployment order dated 10.07.2019 was cancelled and she was transferred back to parent Union / Mugaiyur Union by order dated 18.11.2019. Having come to know the vacancy available in Olakkur Block, the petitioner submitted representation to the respondent for transfer to Melpakkam PUMS in the existing vacancy. However the same was not considered. Whereas, on 21.11.2019 the post of B.T.Assistant (Maths) in Melpakkam PUMS is sought to be filled up by accommodating the 5th respondent Ms.Sugasini working in Erode District by District transfer. She was not joined in the post in Melpakkam school till date. When the claim of the petitioner to transfer to Melpakkam PUMS by transfer within the Union is not considered, whereas the said vacancy is sought to be filled up by District transfer by accommodating the 5th respondent, presently working in Erode District. The 5th respondent could have been accommodated in the place of petitioner in the resultant vacancy after transferring the petitioner to Melpakkam PUMS. When the 5th respondent is coming on transfer to Olakkur Block from Erode outside the Union and outside the District, the petitioner ought to be given for transfer within the Union by accommodating the petitioner in Melpakkam PUMS and thereafter the 5th respondent can be

transferred to Olakkur Block in the resultant vacancy. The representation of the petitioner was not considered, hence, the petitioner is filing the present writ petition as prayed for.

3.The learned counsel for the petitioner submitted that, it would suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 18.11.2019, within a reasonable time fixed by this Court to transfer the petitioner to the post of B.T.Assistant (Maths) in PUMS, Melpakkam, Olakkur Block, Villupuram District based on transfer within the Union prior to giving posting to the 5th respondent by district transfer.

4.The learned counsel appearing for the respondents would accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

5.Thus, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation of petitioner dated 18.11.2019, after issuing notice and affording opportunity to the 5th respondent and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

To.

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1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Villupuram District.

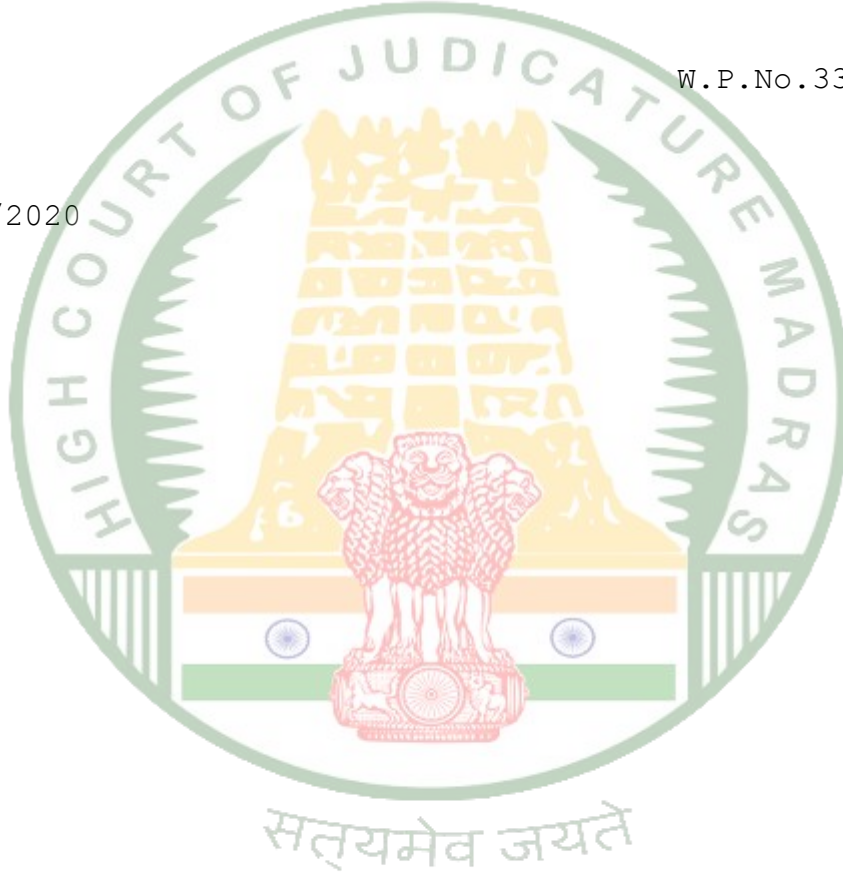
3.The District Educational Officer,
Tindivanam Education District,
Villupuram District.

4.The Block Development Officer,
Olakkur Block,
Villupuram District.

+lcc to Mr.G.Sankaran, Advocate Sr.100295
+lcc to the Government Pleader Sr.100754

W.P.No.33561 of 2019

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srg 10/01/2020



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