



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.5118 of 2019

and

WMP (MD) No.4083 of 2019

Mohandoss

... Petitioner

Vs.

1.The Secretary to Government,
Department of School Education,
Saint George Fort, Chennai.

2.The Director of School Education,
School Education Department,
DPI Compound, Chennai.

3.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

4.The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

5.The Correspondent,
Saint Peter's Higher Secondary School,
Ukkirankottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned rejection order passed by the 4th respondent in O.Mu.No. 4879 / A4/ 2017 dated 08.12.2017 quash the same and consequently direct the 4th respondent to approve the petitioner's transfer appointment from 25.07.2017 as B.T. Assistant Teacher at 5th respondent school and give all other service and monetary benefit.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mrs.S.Srimathy,

Special Government Pleader

ORDER

This writ petition has been filed seeking to quash the impugned order with consequential relief of approval of the petitioner's transfer from 25.07.2017 as B.T.Assistant at the respondent School with all monetary benefits.



2.The short point in issue is that the above referred prayer of the petitioner came to be rejected by the respondents on the ground of want of certain details.

3.The learned Counsel for the petitioner brought to the notice of this Court a communication dated 09.11.2017, which was received and acknowledged by the respondents on 10.11.2017, wherein all the certificates required by the respondents have been enclosed. Without proper perusal, the impugned order came to be passed and hence, the petitioner seeks to quash the same.

4.Per contra, the learned Special Government Pleader appearing for the respondent submitted that as on date, no such representation enclosing the required certificates has been received by the respondents. If the petitioners produces the same, the respondents would consider the same.

5.In view of the above submissions made on either side, the petitioner is directed to submit a copy of the representation enclosing all the certificates required by the respondents to them, within a period two weeks from the date of receipt of a copy of this order and on such submission, the respondents are directed to consider same, on merits and in accordance with law and pass necessary orders afresh, after affording opportunity of hearing to the petitioner, within a period of six weeks therefrom. In the meanwhile, the respondents are directed to pay the salary to the petitioner for the services already rendered by him and also the salary to be paid continuously.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

dsk

To

1.The Secretary to Government,
Department of School Education,
Saint George Fort, Chennai.

2.The Director of School Education,
<https://hcservices.ecourts.gov.in/hcservices/>
School Education Department,
DPI Compound, Chennai.



3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

+1CC TO MR.S.CHELLAPANDIAN, Advocate Sr. No. 57027

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.57192

ORDER MADE IN
WP (MD) No.5118 of 2019
26.03.2019

NRK (CO)

TR (03.05.2019) 3P 7C