



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 29.08.2019  
CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR**

WEB COPY

W.P(MD)No. 14749 of 2019  
and  
WMP(MD)Nos. 11159 to 11161 of 2019

K. Sekar

... Petitioner

Vs.

- 1.State of Tamil Nadu,  
rep.by its Principal Secretary,  
Department of School Education,  
Fort St. George, Chennai - 9.
- 2.The Director of School Education,  
O/o. the Director of School Education,  
DPI Campus, Chennai - 6.
- 3.The Joint Director of School Education (Higher Secondary),  
O/o. the Joint Director of School  
Education (Higher Secondary),  
DPI Campus, Chennai - 600 006.
- 4.The Chief Educational Officer,  
O/o. the Chief Educational Officer,  
Pudukkottai,  
Pudukkottai District.
5. The District Educational Officer,  
O/o. The District Educational Officer,  
Illupur, Pudukkottai District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of **Certiorarified Mandamus** to call for the records pertaining to the impugned order in G.O.(1D).No.218 School Education Department, dated 20.06.2019 issued by the first respondent and quash the same as illegal in so far as the clause 9 (i), consequently directing the respondents to permit the petitioner participate in the general transfer counselling for the academic year 2019-2020, in accordance with the G.O.ID No.256 School Education Department dated 19.04.2017 & G.O. (ID) No.403 School Education Department, dated 29.05.2018.

For Petitioner  
For Respondents

: Mr.T. Balakumaran  
: Mrs.S.Srimathy  
Special Government Pleader



**ORDER**

This writ petition has been filed to quash the impugned order passed by the first respondent, dated 20.06.2019 vide G.O.(1D). No.218 School Education Department as illegal in so far as the clause 9(i), and also sought for a direction to the respondents to permit the petitioner to participate in general transfer counselling for the academic year 2019-2020, in accordance with the G.O.ID No.256 School Education Department, dated 19.04.2017 & G.O. (ID) No.403 School Education Department, dated 29.05.2018.

2. According to the petitioner, he worked as Government High School, Kulamangalam South, Pudukottai District and subsequently, he was promoted as Head Master of Higher Secondary School in the year 2017. In the counseling for promotion held on 10.08.2017, he was directed to join in the Government Higher Secondary School. Sathiyamangalam, which is more than 100 kilometers away from his native place. According to the petitioner, as per Clause 9 (i) impugned G.O. (ID) No.218, dated 20.06.2019 issued by the first respondent, the teachers who are working for a period of three years in the same school as on 01.06.2019 could alone participate in the counselling for transfer and the date of counselling for transfer is also fixed on 08.07.2019. Therefore, as per the said clause, the petitioner is not eligible to apply for the forthcoming general transfer counseling. Hence, the petitioner is before this Court seeking the aforesaid relief.

3. The learned counsel appearing for the petitioner has submitted that by order, ***dated 27.08.2019 in W.P. (MD) No.14188 etc., batch, dated 27.08.2019***, this Court has disposed the batch of writ petition and the aforesaid order, dated 27.08.2019 is also squarely applied to the facts of the case. The learned Special Government Pleader appearing for the respondents has not raised any serious objection.

4. In the light of the aforesaid submission, the instant writ petition is disposed of with the terms of the order dated, ***27.08.2019 in W.P. (MD) No.14188 of 2019 etc. , batch,.***

***i)*** The petitioners, who are all coming under the categories of deployment or by promotions and not completing one year of service in the present working place and the persons, who are all coming under Special Categories in G.O. (1D) No.256, School Education Department dated 19.04.2017, are entitled to attend the General Transfer Counselling to be held for this academic year 2019-20 prior to the notification issued.

***ii)*** The Secretary to Government is directed to pass appropriate orders in accordance with rules, within a period



of two weeks from the date of receipt of a copy of this order in the light of the letter No.21787/SE5(1)/2019-1, dated 26.08.2019, School Education Department, Secretariat, Chennai 9.

**iii)** Insofar as condition No. 10 of the said G.O.(1D). No.218 School Education [Pa.Ka.5(1)] Department dated 20.06.2019, is concerned, based on the letter No.21787/SE5(1)/2019-1, dated 26.08.2019, School Education Department, Secretariat, Chennai 9, the Government shall consider and take a decision for the forthcoming General Transfer Counselling to be held for this academic year, 2019-20.

**iv)** If any of the 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.

5. It is made clear that this order is applicable for the General Transfer Counselling to be conducted for this academic year, 2019-20 alone not a precedent in future. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS )

To

- 1.The Principal Secretary,  
Department of School Education,  
Fort St. George, Chennai - 9.
- 2.The Director of School Education,  
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5. The District Educational Officer,  
O/o. The District Educational Officer,  
Illupur, Pudukkottai District.

+1 CC to Mr.T.BALAKUMARAN, Advocate ( SR-84149[F] dated 29/08/2019 )  
+1 CC to SPL GP ( SR-84470[F] dated 30/08/2019 )

W.P (MD) No.14749 of 2019  
29.08.2019

KSA

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