



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No. 15289 of 2019

and

WMP(MD)Nos. 11840 to 11842 of 2019

WEB COPY

P. Sam Ebenezer

... 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,
Nungambakkam, Chennai - 6.

3.The Joint Director of School Education
Department (Personal),
College Road,
Nungambakkam, Chennai.

4.The Joint Director of School Education
Department (Higher Secondary)
College Road,
Nungambakkam, Chennai.

5. The Chief Educational Officer,
O/o. the Chief Educational Office,
Virudhunagar 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 passed by the first respondent vide G.O.(1D).No.218 School Education Department, dated 20.06.2019 and quash the same as illegal in so far as it relates to clause 9(i) is concerned and consequently to direct the respondents to allow the petitioner to take part in the transfer counselling scheduled to be held on 08.07.2019 in conformity with G.O.ID No.256 School Education Dpartment dated 19.04.2017 within the period that may be stipulated by this Court.

For Petitioner

: Mr.C. Venkateshkumar for
Ajmal Associates

For Respondents

: Mrs.S.Srimathy
Special Government Pleader



ORDER

This writ petition has been filed to quash the impugned order passed by the first respondent vide G.O.(1D).No.218 School Education Department, dated 20.06.2019 as illegal in so far as it relates to clause 9(i) is concerned and sought for direction to the respondents to allow the petitioner to take part in the transfer counselling scheduled to be held on 08.07.2019 in conformity with G.O.ID No.256 School Education Department dated 19.04.2017 within the period that may be stipulated by this Court.

2. According to the petitioner, he has joined duty on 02.08.2018 as Head Master of Government High School at A.Muthuramalingapuram, Virudhunagar District. The Government has announced general transfer counselling scheduled to be held on 08.07.2019. As per guidelines issued under Clause 9(i) of the G.O.I.D. No.218 School Education Department, dated 20.06.2019, the candidate should have joined in the present school before 03.08.2019. 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

/TRUE COPY/

Sub Assistant Registrar

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To

- 1.The Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 9.
- 2.The Director of School Education,
Nungambakkam, Chennai - 6.
- 3.The Joint Director of School Education
Department (Personal),
College Road,
Nungambakkam, Chennai.
- 4.The Joint Director of School Education
Department (Higher Secondary)
College Road,
Nungambakkam, Chennai.
5. The Chief Educational Officer,
O/o. the Chief Educational Office,
Virudhunagar District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-84918[F] dated 03/09/2019)

W.P(MD)No. 15289 of 2019
30.08.2019

JM/15.10.2019/3P/7C