



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.03.2019

CORAM:

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

WP (MD) No.11319 of 2017
and
WMP (MD) No.8693 of 2017

P.Selvakumari

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Virudhunagar, Virudhunagar District.

2.The Assistant Elementary Educational Officer,
Kariapatti, Virudhunagar District.

3.The Correspondent,
Amala Higher Secondary and
Amala Primary School,
K.Sevalpatti,
Kariapatti Taluk,
Virudhunagar District.

4.The Head Master,
SAV Sala Middle School,
Mudhalipatti,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to transfer the petitioner to the 3rd respondent school from 4th respondent as the post of Secondary Grade Assistant Teacher is kept vacant from 31.05.2017 based on the petitioner's representation dated 15.05.2017.

For Petitioner : Mrs.P.Kalaiyarasi Bharathi

For Respondents : Mrs.S.Srimathy,
Special Government Pleader

For R3 : M/s.S.Rozario Sundararaj

ORDER

This writ petition has been filed, seeking to direct the 1st and 2nd respondents to transfer the petitioner to the 3rd respondent school from the 4th respondent School in the vacant place based on her representation dated 15.05.2017.



2.The grievance of the petitioner is that her representation seeking transfer from the 4th respondent School to the 3rd respondent School has not been considered, so far. Therefore, she is before this Court.

3.The learned Special Government Pleader submitted that as and when vacancy arises, the petitioner's case would be considered by the 1st and 2nd respondents.

4.In response, the learned Counsel for the petitioner submitted that there exists vacancy in the 3rd respondent School and hence, the case of petitioner may be directed to be considered by the respondents.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned Counsel on either side, this Court, directs the 1st and 2nd respondents to consider the petitioner's representation dated 15.05.2017, if there is any vacancy in the 3rd respondent school and if the petitioner is found to be eligible, pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

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)

To

1.The District Elementary Educational Officer,
Virudhunagar, Virudhunagar District.

2.The Assistant Elementary Educational Officer,
Kariapatti, Virudhunagar District.

+1 CC to M/s.S.ROZARIO SUNDARARAJ, Advocate in SR-57515
+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate in SR-57589
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.57986

WP(MD)No.11319 of 2017
28.03.2019

dsk