



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P(MD)No.15368, 15359, 15366, 16033, 15364, 15362, 15361, 15207 and 15398 of 2019

and

WMP(MD)Nos.11963 to 11965, 11943, 11945 and 11947, 11959 & 11960, 12740 to 12742, 11955, 11956 & 11958, 11951 to 11953, 11948 to 11950, 11735 and 12010 to 12012 of 2019

J.Prabhu	... Petitioner in WP(MD) . 15368/ 2019
P.Banumathi	... Petitioner in WP(MD) . 15359/ 2019
A.Shanmugavel	... Petitioner in WP(MD) . 15366/ 2019
B.Renuga Devi	... Petitioner in WP(MD) . 16033/ 2019
M.Suganthi	... Petitioner in WP(MD) . 15364/ 2019
N.B.Ajitha	... Petitioner in WP(MD) . 15362/ 2019
V. Sreedevi	... Petitioner in WP(MD) . 15361/ 2019
S.Durai Singam	... Petitioner in WP(MD) . 15207/ 2019
J.Nagarajan	... Petitioner in WP(MD) . 15398/ 2019

- 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 Director of School Education, (Higher Secondary),
DPI Campus, Chennai - 6
4. The Chief Educational Officer
O/o. the Chief Educational Officer, Tirunelveli, Tirunelveli.



5. The District Educational Officer,
O/o. the District Educational Officer, Sankarankovil,
Tirunelveli District

... Respondents in WP(MD). 15368/ 2019

WEB COPY

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-6
4. The Chief Educational Officer
O/o. the Chief Educational Officer, Tirunelveli,
Tirunelveli District
5. The District Educational Officer,
O/o. the District Educational Officer, Sankarankovil,
Tirunelveli District

... Respondents in WP(MD). 15359/ 2019

1. The Principal Secretary to GOVERNMENT,
Education Department, Fort St. George, Chennai
2. The Director of School Education,
College Road, Egmore, Chennai
3. The Joint Director of School Education,
(Higher Secondary), College Road, Egmore, Chennai
4. The Chief Educational Officer, Tuticorin District

... Respondents in WP(MD). 15366/ 2019

1. State of Tamil Nadu Rep by its Principal Secretary,
Department of School Education Pa.Ka.5(1), Fort St.George,
Chennai
2. The Director of School Education,
O/o.The Director of School Education, Dpi Campus, Chennai



3. The Joint Director of School Education
(Higher Secondary),,

O/o.The Joint Director of School Education (Higher Secondary),
DPI Campus, Chennai

4. The Chief Educational Officer,

O/o.The Chief Educational Officer, Pudukkottai District.

... Respondents in WP(MD). 16033/ 2019

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 Director of School Education, (Higher Secondary),

DPI Campus, Chennai - 6

4. The Chief Educational Officer

O/o. the Chief Educational Officer, Tirunelveli, Tirunelveli

5. The District Educational Officer,

O/o. the District Educational Officer, Sankarankovil,

Tirunelveli District

... Respondents in WP(MD). 15364/ 2019

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-6



4. The Chief Educational Officer
O/o. the Chief Educational Officer, Tirunelveli,
Tirunelveli District
5. The District Educational Officer,
O/o. the District Educational Officer, Sankarankovil,
Tirunelveli District

... Respondents in WP(MD). 15362/ 2019

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-6
4. The Chief Educational Officer
O/o. the Chief Educational Officer, Tirunelveli,
Tirunelveli District
5. The District Educational Officer,
O/o. the District Educational Officer,
Sankarankovil, Tirunelveli District

... Respondents in WP(MD). 15361/ 2019

1. The Secretary State Government of Tamil Nadu,
Department of School Education, Secretariat,
Fort St. George, Chennai - 600 009
2. The Director of School Education,
Directorate of School Education,
College Road, Chennai - 600 006



3. The Chief Educational Officer
O/o. the Chief Educational Officer, Sivagangai,
Sivagangai District.

WEB COPY

4. The District Educational Officer,
O/o. the District Educational Officer,
Thiruppathur, Sivagangai District

... Respondents in WP(MD). 15207/ 2019

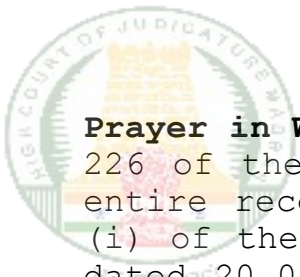
1. The Principal Secretary to Government,
Education Department (Pa.Ka.5(1)), Fort St. George, Chennai
2. The Director of School Education,
College Road, Egmore, Chennai
3. The Joint Director of School Education,
(Higher Secondary), College Road, Egmore, Chennai
4. The Chief Educational Officer
Tuticorin, Tuticorin District

... Respondents in WP(MD). 15398/ 2019

Prayer in WP(MD). 15368/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, Calling for the records in pursuant to the impugned Government Order passed by the 1st respondent in G.O.(1D).No.218 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 and to quash the same as illegal in so far as Condition No.9(i) and consequently directing the respondents to permit the petitioner to participate in the general transfer counselling for the yer 2019-2020 in accordance with the Government Order in G.O.(ID)NO.256, School Education Department, Dated 19.04.2017.

Prayer in WP(MD). 15359/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned Government order passed by the 1st Respondent in G.O. (1D) No. 218 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 and to quash the same as illegal in so far as Condition No. 9 (i) and consequently directing the Respondents to permit the Petitioner to participate in the General Transfer Counselling for the year 2019-2020 in accordance with the Government Order in G.O. (1D) No.256, School Education Department dated 19.04.2017 within a stipulated time limit that may be fixed by this Honourable Court.

<https://hcservices.ecourts.gov.in/hcservices/>



Prayer in WP(MD). 15366/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court call for the entire records pertaining to impugned Government Order in Clause 9 (i) of the G.O.(1D).No.218 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 on the file of the Respondent No.1 and quash the same as illegal and consequently direct the respondents to permit the petitioner to participate in the transfer counseling scheduled on 10.07.2019.

Prayer in WP(MD). 16033/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records pertaining to the impugned Government order in GO(ID).NO.218 School Education Pa.Ka.5(1) Department dt.20.06.2019 on the file of the respondent NO.1 and quash the same as illegal in so far as condition NO.9(i) and Consequently for a Direction, directing the respondent to permit the petitioner to participate in the general transfer counselling for the yer 2019-2020 in accordance with the Government Order in G.O.(ID)NO.256, School Education Department, Dated 19.04.2017 within a stipulated time limit that may be fixed by this Honourable Court.

Prayer in WP(MD). 15364/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records in pursuant to the impugned Government Order passed by the 1st respondent in G.O.(1D).No.218 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 and to quash the same as illegal in so far as Condition No.9(i) and consequently directing the respondents to permit the petitioner to participate in the general transfer counselling for the yer 2019-2020 in accordance with the Government Order in G.O.(ID)NO.256, School Education Department, Dated 19.04.2017 within a stipulated time limit that may be fixed by this Honourable Court.

Prayer in WP(MD). 15362/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned Government order passed by the 1st Respondent in G.O. (1D) No. 218 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 and to quash the same as illegal in so far as Condition No. 9 (i) and consequently directing the Respondents to permit the Petitioner to participate in the General Transfer Counselling for the year 2019-2020 in accordance with the Government Order in G.O. (1D) No.256, School Education Department dated 19.04.2017 within a stipulated time limit that may be fixed by this Honourable Court.

Prayer in WP(MD). 15361/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned Government order passed by the 1st Respondent in G.O. (1D) No.218 School Education (Pa.Ka.5(1)) Department dated



20.06.2019 and to quash the same as illegal in so far as Condition No. 9 (i) and consequently directing the Respondents to permit the Petitioner to participate in the General Transfer Counselling for the year 2019-2020 in accordance with the Government Order in G.O. (1D) No.256, School Education Department dated 19.04.2017 within a stipulated time limit that may be fixed by this Honourable Court.

Prayer in WP(MD) . 15207/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 (Pa.Ka.5(1)) Department dated 20.06.2019 on the file of the Respondent No.1 and quash the same as illegal to the extent of demanding for three years of service at the present station as on 01.06.2019 as the requirement for participating in the forthcoming Teachers General Transfer Counseling 2019-2020 and consequently to direct the Respondent to permit the petitioner to participate in the Teachers General Transfer Counseling 2019-2020 and pass such further or other orders as this Honourable Court.

Prayer in WP(MD) . 15398/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court call for the entire records pertaining to the G.O.Ms.(1D).No.218 dated 20.06.2019 issued by the School Education Pa.Ka.5(1) Department on the file of the 1st respondent and quash the same as illegal is in fixing the previous transfer date as 01.06.2016 for calculating 3 academic years quash the same as illegal and consequently direct the respondents to permit the petitioner to participate in the transfer counseling schedule on 10/07/2019 or subsequently and pass sutiable orders within a timeframe stipulated by this Honourable court.

For Petitioner: M/s.P.Kalaiyarasi Bharathi -WP(MD)No.15368/2019

M/s.P.Kalaiyarasi Bharathi -WP(MD)No.15359/2019

Mr.V.Perumal, - WP(MD)No.15366/2019

Mr.T.Aswin Rajasimman - WP(MD)No.16033/2019
For Mr.T.Lajapathi Roy.

M/s.P.Kalaiyarasi Bharathi -WP(MD)No.15364/2019

M/s.P.Kalaiyarasi Bharathi -WP(MD)No.15362/2019

M/s.P.Kalaiyarasi Bharathi -WP(MD)No.15361/2019



WEB COPY

Mr.S.Louis

- WP (MD) No.15207/2019

Mr.V.Perumal

- WP (MD) No.15398/2019

For Respondents

: Mrs.S.Srimathy
Special Government Pleader
(IN ALL THE CASES)

COMMON ORDER

These writ petitions have been filed challenging the impugned Government Order in G.O.(1D).No.218 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 in so far as Condition No.9(i) and consequently direct the respondents to permit the petitioners to participate in the general transfer counselling for the year 2019-2020, in accordance with the Government Order in G.O.(1D)No.256, School Education Department, dated 19.04.2017.

2.According to the petitioners, they were initially appointed as P.G.Assistants and subsequently, they were transferred/promoted to the respective Government Higher Secondary Schools mentioned in the writ petitions, based on the general transfer counseling/promotion. The common grievance of the petitioners is that the first respondent has issued G.O.(1D).No.218 School Education (Pa.Ka.5(1) Department, dated 20.06.2019 and as per Clause 9(1) of the said Government Order, the applicant must have completed 3 years of service in the same station as on 01.06.2019. Therefore, as per the said clause, the petitioners are not eligible to apply for the forthcoming general transfer counseling. Hence, the petitioners are before this Court seeking the aforesaid relief.

3.According to the learned counsel for the petitioners, pursuant to the interim stay granted by this Court, general transfer counseling was not conducted by the Board. Now, the grievance of the petitioners is that they have completed three years period in the same station and therefore, they may be permitted to participate in the forthcoming general transfer counseling.

4.According to the learned Special Government Pleader for the respondents, in view of the interim stay granted by this Court, no general transfer counseling has been conducted. Further it is submitted that the respondents have no serious objection for permitting the petitioners to attend the forthcoming general transfer counseling to be conducted by the respondent department.

5.In view of the aforesaid submissions made by both the parties and considering the fact that as of now, the petitioners have completed three years period in the present station and the respondent department has no serious objection in permitting the



petitioners to attend the forthcoming general transfer counseling for the year 2019-2020, this Court is inclined to pass the following order:

(i) The petitioners are directed to make applications before the Director of School Education, Chennai within a period of one week from the date of receipt of a copy of this order;

(ii) On receipt of such applications, the respondents shall consider the same for permitting the petitioners to attend the forthcoming general transfer counseling for the year 2019-2020, otherwise if they are found eligible, and pass orders within a period of four weeks thereafter.

(iii) It is made clear that this order is applicable only in respect of this academic year and it will not precedent to the candidates like that of the petitioners herein in future.

6. The writ petitions are disposed of with the above observation. No costs. Consequently connected miscellaneous petitions are closed.

SD

ASSISTANT REGISTRAR (CO)

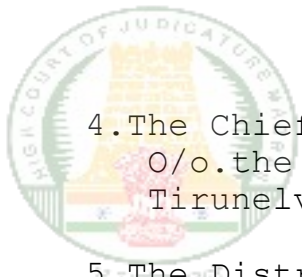
TRUE COPY

SUB ASSISTANT REGISTRAR (CS)

mj

To

1. The Principal Secretary,
State of Tamil Nadu,
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 - 6.



4. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tirunelveli, Tirunelveli District.
5. The District Educational Officer,
O/o. the District Educational Officer,
Sankarankoil,
Tirunelveli District.
6. The Joint Director of School Education,
(Higher Secondary), College Road, Egmore, Chennai.
7. The Chief Educational Officer, Tuticorin District.
8. The Chief Educational Officer,
O/o. The Chief Educational Officer, Pudukkottai District.
9. The Chief Educational Officer
O/o. the Chief Educational Officer, Sivagangai,
Sivagangai District.
10. The District Educational Officer,
O/o. the District Educational Officer,
Thiruppathur, Sivagangai District

+2CC'S TO MR.V. PERUMAL, ADVOCATE SR 82270, 82269

+5CC'S TO M/S.P.KALAIYARASI BHARATHI, ADVOCATE SR 81940 TO 81944

+1CC TO THE SPL GOVT PLEADER SR 82001 to 82004, 81979 & 81994

W.P(MD)No.15368, 15359, 15366, 16033, 15364,
15362, 15361, 15207 and 15398 of 2019
14.08.2019

JM
30/08/2019
10C-19C