



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2019

CORAM:

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

W.P(MD)No.15409 of 2019 and
WMP(MD).Nos.12034, 12037 and 12038 of 2019

K. Raja Karthiyalakshmi

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary,
Department of School Education,
Fort. St. George, Chennai.

2.The Director of School Education,
O/o. the Director of School Education,
DPI Campus,
Chennai - 600 006.

3.The Joint Director of School Education,
(Higher Secondary),
O/o. The Joint Director of School Education,
DPI Campus,
Chennai - 600 006.

4.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

5.P. Seeniyammal

... 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 relating to the impugned Government Order issued by the 1st respondent in G.O.Ms.No.218, School Education Department dated, 20.06.2019 and quash the same as illegal, arbitrary, in so far as fixing three years service at the current station as eligibility criteria to participate in the transfer counseling including mutual consent transfer at Clause 9(i) & (iv) and consequently directing the respondents 1 to 4 to permit the petitioner to participate in the transfer counseling so as enable the petitioner to be transferred in the palace of the 5th respondent by mutual consent.

For Petitioner : Mr.B. Saravanan

<https://hcservices.ecourts.gov.in/hcservices/> For R1 to R4

: Mrs. S. Srimathy
Special Government Pleader

**ORDER**

This Writ Petition has been filed to call for the records relating to the impugned Government Order issued by the 1st respondent in G.O.Ms.No.218, School Education Department dated, 20.06.2019 and quash the same as illegal, arbitrary, in so far as fixing three years service at the current station as eligibility criteria to participate in the transfer counseling including mutual consent transfer at Clause 9(i) & (iv) and consequently directing the respondents 1 to 4 to permit the petitioner to participate in the transfer counseling so as enable the petitioner to be transferred in the palace of the 5th respondent by mutual consent.

2. Mrs. S. Srimathy, learned Special Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is working as BT Assistant at Government High School, Panaiyadipatti, Virudhunagar District from 01.12.2015. Similarly, the 5th respondent is also working as BT Assistant (English) at Government High School, Anaikootam from 01.06.2017. Both the petitioner and 5th respondent has sent a joint application to the respondents on 28.06.2019, but, the same was not received by them stating that the 5th respondent has not completed two years of service as per G.O.Ms.No.218, dated 20.06.2019. In such circumstances, the petitioner has filed the present Writ Petition before this Court.

4. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the representation of the petitioner will be considered, as per the interim directions if any given by this Court, within the time that may be stipulated by this Court.

5. In view of the said submission made by the learned Special Government Pleader appearing for the respondents, this Court, without expressing any opinion on the merits of the petitioner's case, directs the petitioner to submit a fresh representation to the 4th respondent today itself and on such submission, the 4th respondent shall consider the same and pass appropriate orders on merits and in accordance with law forthwith, in any event not later than 13.07.2019.

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

Sd/-

Assistant Registrar(Records)

// True Copy //



Principal Secretary,
Department of School Education,
Fort. St. George,
Chennai.

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O/o. the Director of School Education,
DPI Campus,
Chennai - 600 006.

3.The Joint Director of School Education,
(Higher Secondary),
O/o. The Joint Director of School Education,
DPI Campus,
Chennai - 600 006.

4.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

+1CC TO MR.B.SARAVANAN, Advocate Sr. No.74921
+1CC TO MR.A.ANANDRAJ, Advocate Sr. No.74922
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.75007

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PK(CO)
TR (12.07.2019) 3P 8C