



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.08.2019
CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P(MD)No. 15738 of 2019
and
WMP(MD)Nos. 12461 to 12463 of 2019

O. Dharani Lakshmi ... 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 - 6.
4. The Chief Educational Officer,
O/o.the Chief Educational Officer,
Theni,
Theni 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 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.

For Petitioner	: Mr. T. Aswin Rajasimman
For Respondents	: Mrs.S.Srimathy Special Government Pleader



ORDER

This writ petition has 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 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.

2. According to the petitioner, she was initially appointed as P.G.Assistants and subsequently, she was transferred to the Government Higher Secondary School, Manthisunai, Theni District, based on the general transfer counseling. The grievance of the petitioner, 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 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 the similar issue has already been dealt with by this Court in ***W.P.(MD) No.15368 etc., batch, dated 14.08.2019*** and prays for passing the similar order in the instant writ petition also, for which the learned Special Government Pleader appearing for the respondents has not raised any serious objection.

4. In the light of the order passed by this Court dated, **14.08.2019 in W.P.(MD) No.15368 of 2019 etc. , batch,** the following order is passed by this Court;

(i) The petitioner is directed to make application 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 application, the respondents shall consider the same for permitting the petitioner to attend the forthcoming general transfer counseling for the year 2019-2020, otherwise if she is 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 petitioner herein in future.



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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

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Department of School Education,
Fort St. George, Chennai - 9.
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O/o.The Director of School Education,
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Theni District.

W.P (MD) No.15738 of 2019
30.08.2019

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