



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19670 of 2019

and

W.M.P. (MD) Nos.16138 to 16140 of 2019

WEB COPY

K.Padmavathi

... Petitioner

-Vs-

- 1.State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education, Pa.Ka.5(1),
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,
Tuticorin, Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Government Order in G.O.(1D) No.218, School Education [Pa.Ka.5(1)] Department, dated 20.06.2019 on the file of the first respondent and quash the same as illegal insofar as condition No.9(i) and consequently, for a direction directing the respondents to permit the petitioner to participate in the General Transfer Counselling for the year 2019-20 in accordance with the Government Order in G.O.(1D)No.256, School Education Department, dated 19.04.2017 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.A.Thiagarajan,
Government Advocate.

ORDER

This Writ Petition is filed to quash the Government Order in G.O.(1D)No.218, School Education [Pa.Ka.5(1)] Department, dated 20.06.2019, issued by the first respondent, insofar as condition No.9(i) and to direct the respondents to permit the petitioner to participate in the General Transfer Counselling for the year 2019-20



in accordance with the Government Order in G.O.(1D)No.256, School Education Department, dated 19.04.2017, within the time period stipulated by this Court.

2. According to the petitioner, she was initially appointed as B.T. Assistant and subsequently, she was promoted as P.G. Assistant and thereafter, transferred to VOC Government Higher Secondary School, Ottapidaram, Tuticorin District, based on the general transfer counseling. The grievance of the petitioner 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 petitioner is not eligible to apply for the forthcoming general transfer counseling. Hence, the petitioner is before this Court, seeking the aforesaid relief.

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

4. According to the learned Government Advocate appearing 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 petitioner 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 petitioner has completed three years period in the present station and the respondent department has no serious objection in permitting the petitioner to attend the forthcoming general transfer counseling for the year 2019-2020, this Court is inclined to pass the following order:-

"(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, if she is otherwise 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 be a precedent to the persons like that of the petitioner herein in future."

https://hcservices.ecourts.gov.in/ The Petition is disposed of with the above



observation. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

To

- 1.Principal Secretary,
State of Tamil Nadu,
Department of School Education, Pa.Ka.5(1),
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,
Tuticorin, Tuticorin District.

+1cc to M/s.Special Government Pleader,SR.No. 93248

W.P. (MD) No.19670 of 2019

18.10.2019

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