



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.23672 of 2019

and

W.M.P (MD) .No.20269 of 2019

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R.Amutha Chandra Kandham

... Petitioner

-Vs-

1.The State of Tamil Nadu

Represented by its Secretary to Government
School Education Department
Fort.St.George
Chennai 600 009

2.The Director of School Education

Higher Secondary Schools
D.P.I Campus
College Road, Chennai 600 006

3.The Joint Director of School Education (Personal)

D.P.I Campus
College Road, Chennai 600 006

4.The Chief Educational Officer

Sivagangai District
Sivagangai

5.The Chief Educational Officer

Kanyakumari District
Nagercoil

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent nos.1 to 5 herein to permit the petitioner to participate in the counselling for general transfer going to be conducted by the respondents for the academic year 2019-2020 for the post of Higher Secondary School Headmaster from Sivagangai District to Kanyakumari District by extending the benefit of para 17 of the common order dated 27.08.2019 made in W.P(MD).Nos. 14188, 14189, 14192 to 14194 & 14196 of 2019 etc., batch as well as the common order dated 03.10.2019 in W.P.No.18146 of 2019 etc., batch order dated 18.10.2019 made in W.P(MD).No.19670 of 2019, in the light of G.O. (ID).No.393, School Education (Pa.Ka.5(1) Department, dated 04.10.2019 within a stipulated time.



For Petitioner : Mr.S.Bharathy Kannan
For R1 to R4 : Mr.A.Thiyagarajan
Government Advocate

ORDER

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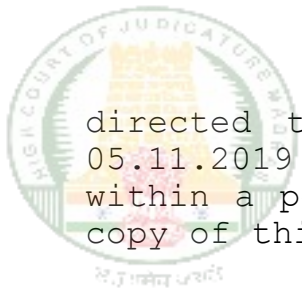
This Writ petition has been filed for a direction to the respondent nos.1 to 5 herein to permit the petitioner to participate in the counselling for general transfer going to be conducted by the respondents for the academic year 2019-2020 for the post of Higher Secondary School Headmaster from Sivagangai District to Kanyakumari District by extending the benefit of para 17 of the common order dated 27.08.2019 made in W.P(MD).Nos. 14188, 14189, 14192 to 14194 & 14196 of 2019 etc., batch as well as the common order dated 03.10.2019 in W.P.No.18146 of 2019 etc., batch order dated 18.10.2019 made in W.P(MD).No.19670 of 2019, in the light of G.O. (ID).No.393, School Education (Pa.Ka.5(1) Department, dated 04.10.2019 within a stipulated time.

2. Mr.A.Thiyagarajan, learned Government Advocate takes notice on behalf of the respondents 1 to 4. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, she was appointed as P.G.Assistant (Botany) in Government Higher Secondary School at Palayanoor, Sivagangai District. On 13.06.2018, she was promoted as Headmistress and again, transferred to Government Higher Secondary School at Musundapatti, Sivagangai District. Her husband is working as Junior Assistant in District Educational Office at Valliyoor in Tirunelveli District. In order to take care of her child and old aged father-in-laws and mother-in-law, her husband is residing in Kanyakumari District and daily he used to travel from Kanyakumari to Tirunelveli. Hence, the petitioner from 13.06.2018 onwards, was constrained to stay alone at Sivagangai District. Due to that, the petitioner's family members are suffering a lot due to travel for a long distance of more than 400 kilometers between Sivagangai District and Kanyakumari District. In this circumstances, the petitioner made a representation on 05.11.2019 to the respondents. But, the respondents have not announced any date for conducting counselling for general transfer for the academic year 2019-2010. Hence, the petitioner has come up with the present Writ petition.

4.The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner, dated 05.11.2019 on merits.

5.Considering the nature of relief sought for in the Writ petition, without deciding the issue on merits, the respondents are



directed to consider the representation of the petitioner dated 05.11.2019 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

msa

To

1. The Secretary to Government
State of Tamil Nadu
School Education Department
Fort. St. George
Chennai 600 009

2. The Director of School Education
Higher Secondary Schools
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3. The Joint Director of School Education (Personal)
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4. The Chief Educational Officer
Sivagangai District
Sivagangai

+1 CC to Mr. S. BHARATHY KANNAN, Advocate (SR-97136[F] dated 08/11/2019)

+1 CC to SPL GP (SR-97266[F] dated 11/11/2019)

W.P. (MD) No. 23672 of 2019
and

W.M.P (MD) .No. 20269 of 2019
08.11.2019

VB(29.11.2019) 3P 7C