



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.24930 of 2019

and

W.M.P (MD) .Nos. 21517 and 21518 of 2019

P.Subbalakshmi

...Petitioner

-Vs-

1.The Director of Elementary School Education
Directorate of Elementary School Education
DPI Compound, College Road
Chennai - 6

2.The Chief Educational Officer
Office of the Chief Educational Office
Virudhunagar
Virudhunagar District

3.The District Education Officer
Office of the District Education Office
Aruppukottai
Virudhunagar District

4.The Block Education Officer
Office of the Block Education Office
Tiruchuli
Virudhunagar
Virudhunagar District

...Respondents

PRAYER : Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the third respondent in his proceedings in ந.க.எண்.4221/அ4/2019 dated 19.11.2019 and quash the same as illegal and consequently to direct the respondents to accommodate the petitioner in the vacant post as Headmistress at Panchayat Union Elementary School, Sithalakundu, Tiruchuli Block, Virudhunagar District, within a period that may be stipulated by this Court.

For Petitioner

: Mr.C.Venkatesh Kumar

For M/s.Ajmal Associates



For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

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This Writ Petition is filed challenging the order passed by the third respondent, in his proceedings in ந.க.எண்.4221/அ4/2019, dated 19.11.2019

2.According to the petitioner, she is working as Elementary School Headmistress at Panchayat Union Elementary School, Poolangal, Tiruchuli Block, Virudhunagar District. The respondents announced the General Transfer Counselling scheduled to be held on 19.11.2019. The respondents did not show the vacant post of Headmistress of Elementary School Panchayat Union, Sithalakundu. The District Secretary of the Tamil Nadu Elementary School Teachers Federation gave representation dated 16.11.2019 to the third respondent to fill up the vacant post of Headmistress in Sithalakundu Panchayat Union Elementary School during the General Transfer Counselling Scheduled to be held on 19.11.2019. At that time, the post of Headmistress in other two Schools, namely, Mangulam and K.Pudur Panchayat Union Elementary School were not shown as vacant and also the post of Headmistress in Sithalakundu Panchayat Union Elementary School was not shown as vacant. The third respondent, by his impugned proceedings dated 19.11.2019, rejected the request of the petitioner stating that the said post must be filled up only deployment of surplus Headmistress. On 19.11.2019 itself, the petitioner gave another representation to the third respondent. Since no action has been taken, the petitioner has come up with the present Writ petition.

3.Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents submitted that the representation of the petitioner will be considered.

4.Though the petitioner has filed this Writ petition challenging the order of rejection of the third respondent, the learned counsel appearing for the petitioner submitted that the petitioner would be satisfied if a direction may be issued to the respondents to consider the representation of the petitioner, dated 19.11.2019.

5.In view of the submissions made by the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner dated 19.11.2019 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



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

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Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

msa

To

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+1 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-101333[F] dated 26/11/2019)

+1 CC to M/s. SPL GP (SR-101953[F] dated 27/11/2019)

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JMN(31.12.2019) 3P : 7C