

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 25.09.2020

Delivered on: 06.10.2020

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P. No.5129 of 2019
& WMP Nos.6060 & 6061 of 2020

S.Uma

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
rep. by Secretary to the Government,
School Education Department,
Secretariat,
Fort St George,
Chennai-9

2.The Director of School Education,
College Road,
Chennai-6

3.The Chief Educational Officer,
Namakkal District,
Namakkal.

4.The District Educational Officer,
Namakkal District,
Namakkal.

5.The Block Educational Officer,
Puduchathiram Panchayat Union,
Puduchathiram,
Namakkal District.

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent in relation to his proceedings issued in NaKa.No.12935/A2/2018 dated 31.12.2019 by the third respondent and quash the same and issue a consequential direction to the respondents to transfer the petitioner and post her at any one of the vacancies which are existing at Government High School at Thaligai and at Vettambadi, in Namakkal District, as B.T.Assistant in Tamil.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.P.Raja, GA

ORDER

This matter is taken up through Web hearing.

2. This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the third respondent in relation to his proceedings issued in NaKa.No.12935/A2/2018 dated 31.12.2019 by the third respondent and quash the same and issue a consequential direction to the respondents to transfer the petitioner and post her at any one of the vacancies which are existing at Government High School at Thaliyai and at Vettambadi, in Namakkal District, as B.T.Assistant in Tamil.

3.The facts which gave raise to the filing of the Writ Petition are stated hereunder:

3.1. The petitioner was appointed as Secondary Grade Teacher at Panchayat Union Middle School, K.N.Pudur, Kadaiyampatti Panchayat Union, Salem District on 06.12.1990. On 01.11.2000, the petitioner was promoted as Primary School Headmaster. On 12.10.2009, the petitioner was further promoted as B.T.Assistant (Tamil). Subsequently, on 29.06.2012, she was again promoted as Middle School Headmaster. During her service in various capacities, the petitioner has suffered several transfers. Recently, the petitioner was posted to the Government High School, Seppankulampatti at Kolli Hills, Namakkal District on 28.08.2019 on she being found surplus in her last place of posting was at Dharmapuri District in the post of B.T. Assistant (Tamil).

3.2. The petitioner moved this Court against her posting at Kolli Hills by filing a Writ Petition in W.P.No.30036 of 2019 questioning the order dated 28.08.2019 and this Court, disposed of the said Writ Petition by directing the authority to consider the representation of the petitioner to accommodate her place of posting as per her request. In pursuance of the direction passed by this Court, the authority

concerned rejected her request on 31.12.2019 stating that no vacancies were identified in nearby districts, namely, Salem, Erode and Karur. In the meanwhile, the petitioner has been working in Seppankulampatty High School at Kolli Hills.

3.3. According to the petitioner, that the present school where she is working, is located in a Hilly area and it is about 80 kms from her residence and being a lady, she feels it extremely difficult to travel up to the hill and down every day. Therefore, the petitioner is before this Court, challenging the rejection order dated 31.12.2019.

4. Mr.K.Saseetharan, learned counsel appearing for the petitioner would submit that there are two vacancies available as on date at Namakkal District in the cadre of Tamil Pandit and one is at Thaligai and other is at Vettampatti and despite the vacancies available, unfortunately, the authorities without taking note of that fact, rejected the petitioner's representation.

5. Notice was ordered and in response to the same, Mr. P.Raja, learned Government Advocate entered appearance and a detailed counter affidavit has also been filed.

6. Mr.P.Raja, learned Government Advocate appearing for the respondents would submit that the petitioner was a junior teacher, found surplus at her earlier place of work and therefore, she was rightly posted to a different school at Kolli Hills by deployment. In the last school posting at Dharmapuri, there was a requirement of only one Tamil teacher and that vacancy was occupied by one K.Sumathy, who was admittedly senior to the petitioner and therefore, the second vacancy was found surplus and therefore, the petitioner was to be deployed to another school. In any case, the learned Government Advocate would submit that in the ensuing transfer counselling, the petitioner can participate and seek transfer on the basis of available vacancies as per her place of requirement.

7. At this, the leaned counsel for the petitioner would submit that as on date, there are vacancies available and the request of the petitioner may be considered once again by the authority.

8. On instructions, the learned Government Advocate would revert to this Court that as pointed out by the petitioner, there is a vacancy at Thaligai, Namakkal District in the post of Tamil teacher.

9. The learned counsel for the petitioner would request this Court to direct the respondents to consider her posting at Teligai School on consideration of the petitioner's request.

10. This Court, on consideration of the pleas of the petitioner and also on account of the fact that there is admittedly a vacancy in a school at Thaligai in Namakkal District, in fitness of things, the Writ Petition is disposed of, with the following direction:

"The respondents 3 to 5 are directed to consider the request of the petitioner for posting the petitioner in the existing vacancy at Thaligai, Namakkal District, in view of the difficulties expressed by the petitioner while working in a Hilly area and on such consideration, pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order and communicate the same to the petitioner".

No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No

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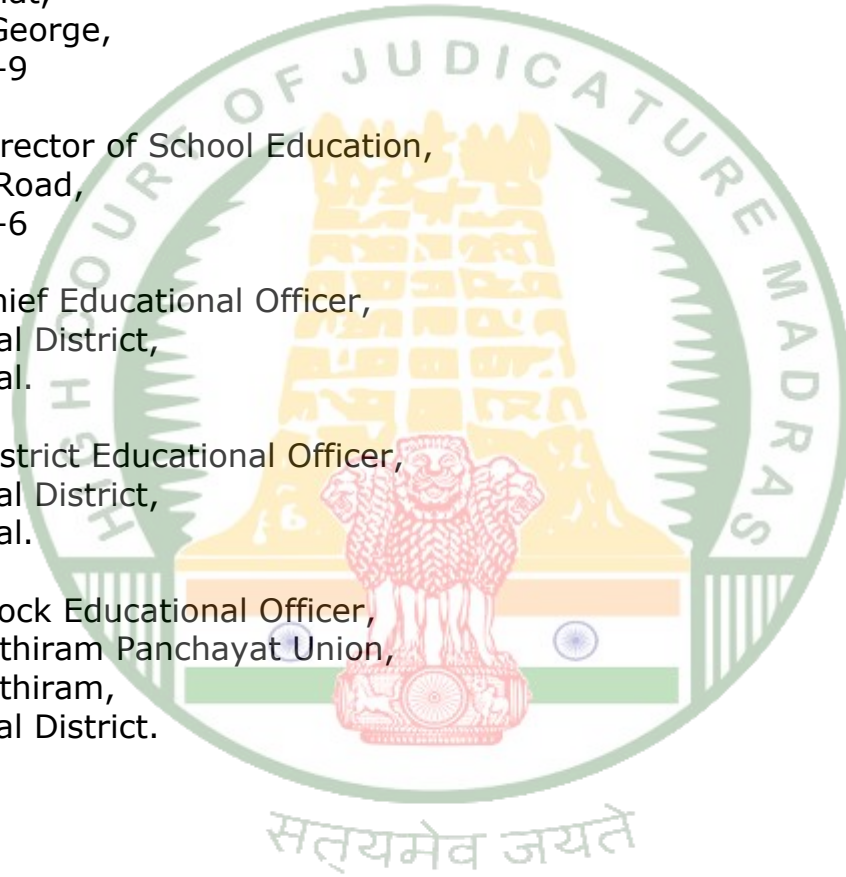
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V.PARTHIBAN.J.,
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