

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.33797 of 2019
and
W.M.P.No.34304 of 2019

K.Arunagiri

...Petitioner

Vs

1.The State of Tamil Nadu rep. by its
Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600009.

2.The Director of School Education,
Directorate of School Education,
College Road, Chennai - 600006.

3.The Chief Educational Officer,
Vellore, Vellore District - 632009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 2nd respondent to reschedule the date of counselling for Computer Instructors/Vocational Teachers pursuant to G.O.(1D) No.218, School Education (Pa.Ka.5(1)) Department, dated 20.06.2019 issued by the 1st respondent within a time frame to be fixed by this Court and call the petitioner for transfer counselling on the rescheduled date and allot a post of Computer Instructor/Vocational Teacher in any one of the Government Higher Secondary Schools in Arani, Thiruvannamalai District.

For Petitioner : Mrs.Nalini Chidambaram, SC
for Mrs.C.Uma

For Respondents: Mr.C.Munusamy
Special Government Pleader

O R D E R

This writ petition has been filed for issuing a writ of mandamus, directing the 2nd respondent to reschedule the counselling and to permit the petitioner to participate in the transfer counselling on the rescheduled date and to allot the post of Computer Instructor/Vocational Teacher in any one of the Government Higher Secondary Schools at Arani, Thiruvannamalai District.

2.The case of the petitioner is that the petitioner is working as a Computer Instructor in a Higher Secondary School at Vellore District. The family of the petitioner is in Arani and therefore, the petitioner wants to stay with his family. The petitioner therefore applied for a transfer counselling and an application was forwarded by the Head Master of the School. The counselling was fixed on 14.11.2019 and thereafter, it was again rescheduled to 15.11.2019. The petitioner went to the venue to attend for the counselling. According to the petitioner, the counselling was abruptly cancelled without assigning any reason. Aggrieved by the same, the present writ petition has been filed before this Court.

3.Mrs.Nalini Chidambaram, learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner had applied for the transfer counselling to get himself posted to any of the schools in Arani, since there are vacancies to the post of Computer Instructor in the Government Higher Secondary Schools at Arani. The learned Senior Counsel further submitted that the transfer counselling was abruptly cancelled without assigning any reasons and therefore, the petitioner left with no other alternative has filed the present writ petition for a direction to the respondents to conduct a transfer counselling and to accommodate the petitioner as a Computer Instructor / Vocational Teacher in any one of the Government Schools at Arani.

4.The learned Senior Counsel also brought to the notice of the Court the counter affidavit that was filed by the 3rd respondent, wherein a stand has been taken at paragraph 6 of the counter affidavit that the petitioner is not in possession of the same degree in the UG and PG and since the petitioner is a cross major, he is not entitled to be considered as a Computer Instructor. The learned Senior Counsel submitted that this submission made in the counter affidavit is factually erroneous. In order to substantiate the said submission, the learned Senior Counsel produced the UG Certificate and PG Certificate and pointed out that the petitioner had undergone Computer Science as the major subject both in the UG and PG level. The learned

Senior Counsel therefore submitted that the petitioner does not have the disqualification of cross major and to that extent, the averments made in paragraph 6 of the counter affidavit is wrong.

5.The learned Senior Counsel further submitted that the petitioner should be permitted to participate in the transfer counselling as and when it is conducted by the respondents and at that point of time, the petitioner should not be disqualified on the ground that the petitioner is a cross major. Therefore, the learned Senior sought for a clarification on this issue, while disposing of the writ petition.

6.The 3rd respondent has filed a counter affidavit in this case. The 3rd respondent has stated that there is no vacancy in the post of Computer Instructor Grade II, in any of the Government Schools at Thiruvannamalai District.

7.The learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioner cannot be considered for transfer and posting as a Computer Instructor Grade II, since the petitioner does not possess the same major in both the UG and PG degrees. The learned counsel submitted that the relief as sought for by the petitioner cannot be granted by this Court and the present writ petition is liable to be dismissed.

8.The petitioner had sought for a transfer counselling only on the ground that his family is at Arani and therefore, he wanted to get into any Government School near Arani. The petitioner is already working as a Computer Instructor Grade II in Government Boys Higher Secondary School at Vellore. The stand that has been taken by the respondents in the counter affidavit is to the effect that the petitioner is not eligible to be posted as a Computer Instructor on the ground that the petitioner comes under the cross major category, since the petitioner is not possessing the Computer Science major, both in UG and PG. This submission made in the counter affidavit may not be correct, since the certificate that has been produced before this Court shows that the petitioner had completed UG from Madras University and it is seen that the petitioner has been granted a degree in Bachelor of Science in Computer Science. Similarly, the petitioner has also completed Master of Science in Applied Sciences in computer technology. Therefore, the petitioner had the major as the Computer Science in both the UG and PG degrees. Consequently, the petitioner does not fall within the disqualification of cross major.

9.The 3rd respondent has specifically taken a stand in the counter to the effect that there is no vacancy to the post of Computer Instructor Grade II in Thiruvannamalai District. In view of the same, as and when there is any vacancy, a transfer counselling shall be conducted and the request made by the petitioner shall be considered and the petitioner shall not be disqualified on the ground of cross major. The request made by the petitioner seeking for transfer to Arani shall be considered on its own merits at the time of counselling.

10.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600009.

2.The Director of School Education,
Directorate of School Education,
College Road,
Chennai - 600006.

3.The Chief Educational Officer,
Vellore,
Vellore District - 632009.

+1cc Mr.C.Uma, Advocate sr.7408

W.P.No.33797 of 2019
and
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nr 03/02/2020