



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD)No.26376 of 2019

and

W.M.P. (MD)Nos.22796 to 22798 of 2019

G.Ratnamani,
Secondary Grade Teacher,
Panchayat Union Primary School,
Vilathikulam,
Thoothukudi,
Thoothukudi District.

... Petitioner

/vs./

- 1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Thoothukudi, Thoothukudi District.
- 2.The District Educational Officer,
O/o. The District Education Office,
Kovilpatti, Thoothukudi District.
- 3.The Block Educational Officer,
O/o. The Block Education Office,
Vilathikulam,
Thoothukudi District.
- 4.T.Arunachala Sundaram,
Secondary Grade Teacher,
Municipal Primary School,
Tooveypuram,
Thoothukudi Urban Block,
Thoothukudi 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 relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.3662/E2/2019 dated 20.11.2019 and consequential order passed by the 3rd respondent in his proceedings in Na.Ka.No.380/A1/2019 dated 21.11.2019 and quash the same as illegal and consequently to direct the 1st respondent to accommodate the petitioner in the place of the 4th respondent within the period that may be stipulated by this Court.



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For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For R-1 to R-3 : Mr.M.Karuppasamy
Government Advocate

For R-4 : Mr.S.C.Herold Singh

ORDER

Both the petitioner herein as well as the 4th respondent have sought for transfer to the Municipal Primary School, Tooveypuram, Thoothukudi District. In the general counselling for transfer conducted on 20.11.2019, the fourth respondent was granted transfer to the Municipal Primary School, Tooveypuram, Thoothukudi District. Aggrieved against the said transfer, the present writ petition has been filed.

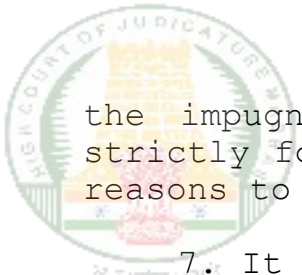
2. The learned counsel for the petitioner would submit that the petitioner has been working at the Panchayat Union Primary School, Madhavarajapuram, Vilathikulam for more than five years and therefore, he ought to have been treated under the priority category, in preference to the fourth respondent herein.

3. The learned counsel for the fourth respondent would submit that the fourth respondent has also been working for more than five years and apart from the same, his wife is also employed in Government Girls Higher Secondary School, Eral, which is closer to the place for which he seeks transfer. He would further submit that in view of these two priorities, there is no infirmity in the transfer granted in fourth respondent's favour.

4. The learned Government Advocate would submit the respondents had followed the procedures contemplated for effecting transfer during the course of general counselling and therefore, the impugned order cannot be found fault with.

5. G.O.(Ms)No.218, Education Department, dated 20.06.2019 stipulates the procedure for effecting the transfers during the General Counselling as well as the consideration of priorities in the order stipulated therein. Clause 10(xi) of the aforesaid G.O., gives priority to employees whose spouses are also employed and Clause 10(xii) gives priority to employees who have been working for more than five years.

6. While the fourth respondent herein seeks for transfer on two priorities, the petitioner herein seeks transfer on only one priority. Among the priorities in the order of consideration, the fourth respondent's priority stands on a better footing. As such,



the impugned order transferring the fourth respondent cannot be strictly found fault with. In view of the same, I do not find any reasons to interfere with the impugned order.

7. It is needless to mention that during the course of the next general counselling, the respondents shall consider the petitioner's candidature for transfer on the priority that he has completed more than five years of service in the same station, if he is not otherwise disqualified for such consideration.

8. With the above observations, this Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Thoothukudi, Thoothukudi District.
- 2.The District Educational Officer,
O/o. The District Education Office,
Kovilpatti, Thoothukudi District.
- 3.The Block Educational Officer,
O/o. The Block Education Office,
Vilathikulam,
Thoothukudi District.

+1 CC to M/s.AJMAL ASSOCIATES, (SR-3854[F] dated 30/01/2020)

+1 CC to M/s.SPL.GP (SR-3899[F] dated 30/01/2020)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-3998[F] dated 30/01/2020

Order made in
W.P.(MD)No.26376 of 2019
Dated: 29.01.2020

JMN(07.02.2020) 3P : 7C

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