

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7048 of 2021
and
W.M.P.No.7570 of 2021
(Heard through VC)

S.Ramani

.. Petitioner-

vs-

1.The Director of School Education,
DPI Campus, Nungambakkam,
Chennai - 600 006.

2.The Joint Director of School Education,
DPI Campus, Nungambakkam,
Chennai - 600 006.

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

4.The Head Master,
Government Higher Secondary School,
Kuththalam,
Nagapattinam District.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to transfer and post the petitioner in the 4th respondent school as PG Assistant-Commerce by considering his representation dated 09.03.2021.

For Petitioner : Mr.L.Parvin Banu
For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The petitioner has come up with the above writ petition seeking a direction to the respondents 1 to 3 to transfer and post him in the 4th respondent school as PG Assistant-Commerce by considering his representation dated 09.03.2021.

2. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The facts of the case is that the petitioner has participated in the promotion counselling conducted by the second respondent on 20.02.2021. On the date of counselling, the second respondent had displayed only 30 vacancies in which, the vacancy in the fourth respondent school was not included. Though the petitioner was requested for any other nearby vacancies, without any option he was constrained to select the school in the Aalathambadi School, Thiruvarur District and he joined duty on 26.02.2021. Thereafter he came to know from the reply received under the RTI that there was a vacancy in the fourth respondent school. Hence, he submitted a detailed representation on 09.03.2021 to the respondents in this regard. Since there was no response, the present writ petition has been filed.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation of the petitioner dated 09.03.2021, if not already disposed of, taking into account the vacancy position as on date and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated

09.03.2021 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

- 1.The Director of School Education,
DPI Campus, Nungambakkam,
Chennai - 600 006.
- 2.The Joint Director of School Education,
DPI Campus, Nungambakkam,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.
- 4.The Head Master,
Government Higher Secondary School,
Kuththaalam, Nagapattinam District.

+1cc to Mr.L.Parvin Banu, Advocate, S.R.No. 17786

W.P.No.7048 of 2021
and

W.M.P.No.7570 of 2021

PP(CO)
GN(06/07/2021)