



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23362 of 2021

and

W.M.P.No.24638 of 2021

(Through Video Conferencing)

Sr.M.Arasi

... Petitioner

Vs

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

2. The Chief Educational Officer,
The Nilgiris District,
The Nilgiris.

3. The District Educational Officer,
Coonoor Educational District,
The Nilgiris District.

4. The Correspondent,
St.Ann's Girls Higher Secondary School,
Aruvankadu - 643 202
Coonoor, The Nilgiris District.

5. The President,
Sister of St.Ann of Providence, Southern India,
St.Ann's Provincialate,
Melamaiyur, Vallam Post,
Chengalpattu - 603 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus directing the Respondents 2 and 3 to consider the representation of the 4th respondent management dated 13.10.2021 and accord approval to the transfer of the petitioner in the 4th respondent school with all service and monetary benefits w.e.f. 01.07.2021.

For Petitioner : M/s. Father Xavier Associates

For Respondents : Mr.L.S.M.Hasan Fizal
1 to 3 Government Advocate



ORDER

The petitioner was transferred from St. Mary's Higher Secondary School, Chengalpet District, Tamil Nadu to St. Ann's Girls Higher Secondary School, Aruvankadu - 643 202, Coonoor, The Nilgiris District under the same corporate management. The petitioner was relieved and asked to report at on 01.07.2021, St. Ann's Girls Higher Secondary School, Aruvankadu - 643 202, Coonoor, The Nilgiris District. The petitioner was thus relieved. This transfer was pursuant to an order of the 2nd Respondent / The Chief Educational Officer, The Nilgiris dated 02.02.2021 bearing reference in Na.Ka.No.0997/A4/2020. The petitioner joined duty at St. Ann's Girls Higher Secondary School, Aruvankadu, The Nilgiris in the place of Mrs. Hemavathy who had retired on 31.05.2018. The third Respondent has not given approval to the transfer of the petitioner as PG Assistant (Mathematics) in St. Ann's Girls Higher Secondary School, Aruvankadu, The Nilgiris citing pendency of certain proceedings. The petitioner has sent a representation through the Correspondent of St. Ann's Girls Higher Secondary School, Aruvankadu, The Nilgiris on 13.10.2021 for approving the appointment of the petitioner as a PG Assistant (Mathematics).

2. Appearing on behalf of the petitioner, the learned counsel for the Petitioner submits that the staff fixation order indicates that it is a single post and therefore vacancy cannot be filled up by anybody else who can teach Mathematics from the existing staff members.

3. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents and perused the material available on record.

4. Considering the fact that the transfer of the Petitioner itself emanated on account of the order of the second Respondent dated 02.02.2021, bearing reference in Na.Ka.No.0997/A4/2020, the third Respondent cannot return the proposal. Therefore, the second respondent is directed to pass appropriate orders for approving the appointment / transfer of the petitioner as a P.G. Assistant (Mathematics) in St. Ann's Girls Higher Secondary School, Aruvankadu, The Nilgiris, within a period of six weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar



To

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

2. The Chief Educational Officer,
The Nilgiris District,
The Nilgiris.

3. The District Educational Officer,
Coonoor Educational District,
The Nilgiris District.

+2ccs to M/s.Father Xavier Associates, Advocate SR.No.56271

+1cc to Government Pleader SR.No.57155

W.P.No.23362 of 2021

BD(CO)
GMY(29/11/2021)