



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.17339 of 2021

and

W.M.P(MD)Nos.14218, 14221 & 14224 of 2021

Krishnasamy

... Petitioner

Vs.

1.The Principal Secretary to Government,
Department of School Education,
Secretariat,
Chennai 9.

2.The Commissioner of School Education,
College Road,
Chennai.

3.The Joint Director of School Education, (Personnel),
Office of the Director of School Education,
College Road,
Chennai.

4.The Chief Educational Officer,
Tenkasi, Tenkasi District.

5.The Chief Educational Officer,
Thirunelveli,
Thirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records and to quash clause 4(i)(ஐ) of Government Order 134(1D) School Education Department dated 18.08.2021 of the 1st respondent and the consequential proceedings of the 2nd respondent in ந.க. எண் 41779/சி-4/இ1/2021 dated 13.09.2021 as illegal and consequently direct the respondents to conduct transfer counselling for the teachers who are already working as B.T Assistants.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.S.Shanmugavel,

Standing Counsel for State.



ORDER

This Writ Petition has been filed, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records and to quash clause 4(i) (ஐ) of Government Order 134(1D) School Education Department dated 18.08.2021 of the 1st respondent and the consequential proceedings of the 2nd respondent in ந.க எண் 41779/ ஈ-4/இ1/2021 dated 13.09.2021 as illegal and consequently direct the respondents to conduct transfer counselling for the teachers who are already working as B.T Assistants.

2.Heard, Mr.A.Srinivasan, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Standing Counsel, who takes notice for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal.

4. According to the petitioner, he is working as Graduate Teacher (BT Assistant English) in Panchayat Union Middle School, Varisaiyoor, Narikudi Block, Virudhunagar District. The grievance of the petitioner is that from 2010 onwards, he is serving in the said place without getting transfers to any district nearby his native place or to his native District. According to the petitioner, there are three vacancies available for the post of B.T. Assistant (English) in Tenkasi District and further the conversion to the regular B.T.Assistant transfer counselling was concluded on 16.09.2021. Hence, the petitioner seeks transfer in any of the vacancy in Tenkasi District.

5. The learned Standing Counsel appearing for the respondents would submit that the respondents will consider the request of the petitioner only in accordance with the policy decision taken by the Government.

6. Even though the petitioner has challenged the Government Order, when this Writ Petition is taken up, the learned counsel for the petitioner would submit that in a similar Writ Petition in W.P. (MD) No.17021 of 2021, this Court passed an order on 21.09.2021 directing the respondents to consider the application being made by the petitioner therein and pass appropriate orders within a period of four weeks and therefore, he would submit that it would suffice, if similar direction is given to the respondents to consider the request of the petitioner seeking transfer in any one of the vacancies in Tenkasi District.

7. In view of the above, this Court, without expressing any opinion on the merits of the matter, given liberty to the petitioner to make an application to the Educational Authority, seeking to



transfer in any one of the vacancies in Tenkasi District, within a period of one week from the date of receipt of a copy of this order. In the event of such an application being made, the Educational Authority shall consider the same and pass orders as expeditiously as possible, preferably within a period of four weeks therefrom.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary to Government,
Department of School Education,
Secretariat, Chennai 9.
- 2.The Commissioner of School Education,
College Road, Chennai.
- 3.The Joint Director of School Education, (Personnel)
Office of the Director of School Education,
College Road, Chennai.
- 4.The Chief Educational Officer,
Tenkasi, Tenkasi District.
- 5.The Chief Educational Officer,
Thirunelveli, Thirunelveli District.

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-30365[F] dated 27/09/2021)
+1 CC to M/s.SPL.GP (SR-30342[F] dated 27/09/2021)

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24.09.2021

RD(12.10.2021) 3P 8C