



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2021

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.22307 of 2021 and

WMP(MD) No.18868 of 2021

A.Nagarethinam

... Petitioner

Vs.

1.The Principal Secretary to Government,
Department of School Education,
Fort St.George,
Secretariat,
Chennai.

2.The Commissioner of School Education,
EVK Sampath Maaligai, DPI Campus,
College Road, Nungampakkam,
Chennai - 600 006.

3.The State Project Director,
Samagra Shiksha,
D.P.I, Campus, Nungampakkam,
Chennai - 600 006.

4.The Joint Director of School Education (Personnel),
EVK Sampath Maaligai, DPI Campus,
College Road, Nungampakkam,
Chennai - 600 006.

5.The Chief Educational Officer,
O/o The Chief Educational Officer,
Thanjavur District, Thanjavur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to transfer the petitioner to any one of the places vacant in Kannangudi or S.Pudur Block Resource Centres, Sivagangai District or any other Block Resource Centres in Sivagangai or Ramanathapuram District, which would be vacant in pursuance of the order passed by this Court in the batch of writ petitions made in W.P.No.16868/2021 and other connected batches by considering the petitioner's representation dated 27.11.2021.

For Petitioner
For Respondents

:Mr.D.Shanmugaraja Sethupathi
:Mr.S.Saji Bino
Special Government Pleader



ORDER

Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents.

2.This Writ Petition has been filed seeking for issuance of a Mandamus, to direct the respondents to transfer the petitioner to any one of the places vacant in Kannangudi or S.Pudur Block Resource Centres, Sivagangai District or any other Block Resource Centres in Sivagangai or Ramanathapuram District, which would be vacant in pursuance of the order passed by this Court in batch of writ petitions made in W.P.No.16868/2021 and other connected batches by considering her representation dated 27.11.2021.

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

4. According to the petitioner, the 1st respondent has issued G.O.(1D) No.134, School Education Department dated 18.08.2021, framing guidelines for conducting transfer counselling and also conversion of Block Resource Teacher Educators (in short, 'BRTEs') to the Government High and Higher Secondary School. The grievance of the petitioner is that the respondents have not properly followed the procedure contemplated under the said G.O.Ms.No.134, dated 18.08.2021 and most of senior BRTEs including the petitioner have been deprived of getting places of their choice based on their seniority while the junior most BRTEs have been accommodated. The petitioner pointed out that though she is senior BRTE in Ramanathapuram District and when she participated in the counselling, there was no vacancy available. Since the respondents have not followed the guidelines, which led the petitioner getting transferred to Sethubavachatram Block Resource Centre, Thanjavur District, which is situated 115 kms. away from Sivagangai, where she is residing along with her family. In this regard, the petitioner made a representation dated 27.11.2021 to the respondents for consideration of her request to transfer her to any of the places vacant in Kannangudi or S.Pudur Block Resource Centres, Sivagangai District or any other Block Resource Centres in Sivagangai or Ramanathapuram District. Since no action is forthcoming despite her representation, the petitioner has come forward with the present Writ Petition.

5.When this Writ Petition is taken up for hearing, the learned counsel for the petitioner confined his relief that if the petitioner's representation is considered on merits, it would be sufficient.

6. The learned Special Government Pleader appearing for the respondents submits that if the representation made by the petitioner is otherwise in order and pending with the respondents, the same would be considered and disposed of in accordance with law within a reasonable time as directed by this Court.



7. In view of the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, without expressing any opinion on merits, this Court directs the respondents to consider the petitioner's representation dated 27.11.2021 and pass appropriate orders therein in accordance with law and on merits, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

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,
Fort St.George,
Secretariat,
Chennai.
- 2.The Commissioner of School Education,
EVK Sampath Maaligai, DPI Campus,
College Road, Nungampakkam,
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- 3.The State of Project Director,
Samagra Shiksha,
D.P.I, Campus, Nungampakkam,
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- 4.The Joint Director of School Education (Personnel),
EVK Sampath Maaligai, DPI Campus,
College Road, Nungampakkam,
Chennai - 600 006.



5.The Chief Educational Officer,
O/o The Chief Educational Officer,
Thanjavur District, Thanjavur.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-39345[F] dated
17/12/2021)

Order made in
W.P(MD) No.22307 of 2021 and
WMP(MD) No.18868 of 2021
16.12.2021

_SS/24.02.2022 : 4P/7C