



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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Writ Petition (MD)No.15534 of 2017

and

W.M.P. (MD) .No.12282 of 2017,18664 of 2017, 10130 of 2018

C.Muthuvanniyan

... Petitioner

Vs.

1.The Government of Tamil Nadu
represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Secretariat,
Chennai 600 009.

2.The Director of School Education,
D.P.I Campus,
College Road,
Nungambakkam,
Chennai 600 006.

3.The Joint Director of School Education,
D.P.I. Campus,
College Road,
Nungambakkam,
Chennai 600 006.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to conduct transfer counseling for the newly created 900 posts vide G.O.(Ms.).No.174, School Education (AKE 1) Department, dated 18.07.2017, as per the guideline framed under G.O. (1D)No.256, School Education [Pa.Ka.5(1)] Department, dated 19.04.2017.

For Petitioner

: Mr.M.Saravanan

For Respondents

: Mr.C.M.Marichelliah Prabhu
Additional Government Pleader



O R D E R

This writ petition has been filed for a direction to the respondents 1 and 2 to conduct transfer counseling for the newly created 900 posts vide G.O.(Ms.).No.174, School Education (AKE 1) Department, dated 18.07.2017, as per the guideline framed under G.O.(1D)No.256, School Education [Pa.Ka.5(1)] Department, dated 19.04.2017.

2. The case of the petitioner is that he was appointed as Special Teacher (Drawing) and subsequently, he was promoted as B.T.Assistant (Tamil) and posted to Government Higher Secondary School, Mangalam, Tiruppur District. His wife is working in Revenue Department at Periyakulam, Theni District. He has two school going children. Hence, the petitioner has made a representation to the respondents, seeking transfer to Theni or any other nearby District. While so, the Government issued a G.O.(1D).No.256, School Education Department, dated 19.04.2017, framing guidelines for transfer for the academic year 2017 - 2018. As per the G.O., a counseling was conducted in the last week of May 2017. The petitioner was participated in the counseling and it was declared that no post is vacant at Theni. While so, the Government issued another G.O.(Ms.). No.174, dated 18.07.2017, upgrading 150 Middle Schools as High Schools, based on the letter dated 24.03.2017, issued by the second respondent. The said G.O., was deliberately issued after the completion of general counseling to enable the respondents 1 and 2 to transfer influential persons to the place of their choice, violating the G.O.(1D).No.256, School Education Department, dated 19.04.2017. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the second respondent to consider the petitioner's representation, dated 22.07.2017, within a specified period.

4. The learned Additional Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court directs the second respondent to consider the petitioner's representation, dated 22.07.2017 and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (AS)

// 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,
Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Secretariat,
Chennai 600 009.
- 2.The Director of School Education,
D.P.I Campus,
College Road,
Nungambakkam,
Chennai 600 006.
- 3.The Joint Director of School Education,
D.P.I. Campus,
College Road,
Nungambakkam,
Chennai 600 006.
- 4.The Chief Educational Officer,
Theni,
Theni District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-11294[F] dated 16/03/2021)
+1 CC to M/s.SPL GP (SR-11561[F] dated 16/03/2021)

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