



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 1471 of 2022

V.Amala Brigit

.. Petitioner

Vs.

1.The Commissioner of School Education,
EVK Sampath Maaligai, DPI Campus,
College Road, Nungampakkam,
Chennai -600006.

2.The Director of School Education,
EVK Sampath Maaligai,DPI Campus,
College Road, Nungampakkam,
Chennai -600006.

3.The Joint Director of School Education (Personnel),
EVK Sampath Maaligai,DPI Campus,
College Road, Nungampakkam,
Chennai -600006.

4.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Chengalpattu,
Chengalpattu District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to permit to participate and provide priority in the general counselling to be conducted for general transfer of the Graduate Assistant Teachers (B.T. Assistant) in view of the order passed by this Hon`ble Court in W.P.No.16310/2021 dated 24.11.2021 and W.P.No.22337/2021 dated 16.12.2021 and connected batch in W.P(MD)Nos.22846 to 22852 of 2021 dated 23-12-2021.

For Petitioner : J. Prakasam,

For Respondents : Mr.V.Nanmaran, AGP



ORDER

The prayer sought for by the petitioner is to direct the respondents to permit the petitioner to participate and provide priority in the general counselling to be conducted for general transfer of the Graduate Assistant Teachers (B.T. Assistant) in view of the order passed by this Hon'ble Court in W.P.No.16310/2021 dated 24.11.2021 and W.P.No.22337/2021 dated 16.12.2021 and connected batch in W.P(MD)Nos.22846 to 22852 of 2021 dated 23-12-2021.

2. The learned counsel for the petitioner has submitted that the petitioner was working as Block Resource Teacher Educator with the 3rd respondent vide proceedings of the 3rd respondent dated 14.07.2006 and posted at Thalaivasal Block Resource Centre in Kancheepuram District. Subsequent to the guidelines issued by the Government vide G.O. (I.D) No. 134, School Education (Pa.Ka.5)(1) Department, dated 18.08.2021 the petitioner had participated in the counseling for conversion to B.T. Assistant held on 15.09.2021 and was transferred to Government Higher Secondary School, Vengampattkam, Chengelpattu District on 16.09.2021.

3. The learned counsel for the petitioner has further submitted that the similarly aggrieved persons have approached this Court in WP(MD). No. 16130/2021 and batch and this Court by order dated 24.11.2021 by recording the statement of the learned Additional Advocate General, has observed that the petitioners therein can opt for the general counseling and they would be given priority at the time of general counseling.

4. The contention of the learned counsel for the petitioner is that by virtue of compulsory conversion, the petitioner was forced to transfer to a faraway place and she being similarly placed aggrieved persons as that of the writ petitioners in the aforesaid case, she is also entitled to get priority in the general counseling as extended to the batch of writ petitioners in the aforesaid case.

5. Counter affidavit filed on behalf of the 4th respondent. It is stated in the counter that as per policy decision of the Government, the Block Resource Teachers have to be sent to Government High and Higher Secondary Schools as graduate teacher in which there is vacancy in their main subjects as per G.O. (ID).No. 134 School Education (Pa.Ka.5) (1) dated 18.08.2021. The writ petitioner had participated in the counseling held on 15.09.2021 and got transfer as a B.T Teacher (English) in Government Higher Secondary School, Vengampakkam and joined duty on 16.09.2021.



6. The learned Additional Government Pleader has further submitted that in the writ petition in WP(MD). No. 16130/2021 and etc., batch filed challenging Clause 4 (1) (a) of the G.O. (ID).No. 134 School Education, dated 18.08.2021 relied upon by the petitioner, interim order was granted. Based on the said interim order and recording the submissions made by the learned Additional Advocate General in those batch of writ petitions, this Court had disposed of the writ petitions. Since the petitioner had participated in the counseling and got transfer, she cannot claim based on the said judgment of this Court.

7. Heard both sides and perused the documents available on record.

8. On perusal of records, the petitioner had not objected for participating in the transfer counseling and got transfer, accordingly posting orders have been issued by the department and joined duty as B.T.Teacher (English) in Government Higher Secondary School, Vengampakkam, Chengalpatu District on 16.09.2021. Now after a lapse of six months, the petitioner has filed the present writ petition seeking directions to the respondent to permit the petitioner to participate in the general counseling on par with the similarly placed persons in WP(MD). No. 16130/2021.

9. The said prayer cannot be considered as the petitioner herein has not challenged the Clause 4 (1) (a) of the G.O.(ID). No. 134 School Education, dated 18.08.2021. Further as per G.O. No. 176, dated 17.12.2021 and G.O.Ms. No.15, dated 10.02.2022 there is specific condition that all category of Headmasters and teacher should have minimum one year of service in the existing station on the date of notification, which is mandatory to apply for general transfer counseling, whereas the petitioner had joined in the present station i.e Government Higher Secondary School, Vengampakkam, Chengalpet only on 16.09.2021. Since the petitioner had put in less than one year service in the present station, she is not eligible for consideration to participate in the general transfer counseling.

10. In view of the foregoing discussions, this Court finds no valid grounds to consider the case of the petitioner. Accordingly, the writ petition stands dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar



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O/o. The Chief Educational Officer,
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Chengalpattu District.

+1cc to J. Prakasam, Advocate, S.R.No.13259
+1cc to the Government Pleader, S.R.No.13792

W.P.No. 1471 of 2022

SR[co]
NSK 08/04/2022