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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.NOS.2449 AND 2285 OF 2022

AND

W.M.P.NOS.2613, 2615, 2616, 2453 & 2455 OF 2022

W.P.No.2449 of 2022:

1. K.Umamaheshwari
2. M.Nirmala Mary
3. S.Ponniah
4. C.Arulmozhi
5. D.Iyyappan
6. B.Jebarani
7. S.Rajesh
8. M.Ananthi
9. D.Kayalvizhi
- 10.N.Maithili
- 11.S.Maruthi

..Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of School Education,
Directorate of School Education,
College Road, Chennai-600 006.
3. The Joint Director of School Education,
(Higher Secondary Education)
Directorate of School Education,
College Road, Chennai-600 006.
4. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai - 606 601.



5. The Chief Educational Officer,
Thanjavur District,
Thanjavur-613 001.
6. The Chief Educational Officer,
Thirupattur District,
Thirupattur-636 601.
7. The Chief Educational Officer,
Chengalpattu District,
Chengalpattu-603 001.
8. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur-602 001.
9. The Chief Educational Officer,
Coimbatore District,
Coimbatore - 641 001.
10. The Headmaster,
Government Girls Higher Secondary School,
Kolapur,
Thiruvannamalai District-632 313.
11. The Headmaster,
Sri Meenakshi Government Girls Higher Secondary,
Tirupattur, Tirupattur District-635 601.
12. The Headmaster,
Government Boys Higher Secondary School,
Peravurani,
Thanjavur District-614 804.
13. The Headmaster,
Government Higher Secondary School,
Venangupattu,
Chengalpattu District-603 304.
14. The Headmaster,
Government Higher Secondary School,
Thiruvathur,
Chengalpattu District-603 312.
15. The Headmaster,
Government Higher Secondary School,
Maddur,
Thiruvallur District-631 206.



16. The Headmaster,
Government Boys Higher Secondary School,
Podaturpet,
Thiruvallur District-631 207.

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17. The Headmaster,
Government Higher Secondary School,
Poonimangadu,
Tiruttani Taluk,
Tiruvallur District-631 212.

18. The Headmaster,
Government Higher Secondary School,
L.Endathur,
Chengalpattu District - 603 406.

19. The Headmaster,
Municipal Girls Higher Secondary School,
Kottur Road,
Pollachi, Coimbatore District - 642 001.

20. The Headmaster,
Government Higher Secondary School,
Elapakkam, Chengalpet District - 603 201.

...Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to instruct the respondents 4 to 20 herein to accept the application of the petitioners who are working as a PG Assistants and forward the applications of the petitioners to the 2nd respondent for allowing the petitioners to participate in the Transfer counselling for PG Assistants to commence on 11.02.2022 or any other subsequent date by the 2nd respondent as per General Transfer Counselling Policy for teachers working in Government/Panchayat Union/Municipal Primary/ Middle Schools and Government/Municipal High/Higher Secondary Schools framed in G.O.(Ms).No.176, School Education [Se5(1)] Department dated 17.12.2021 notwithstanding the fact that the petitioners have not completed one year in the present postings.

For Petitioners : Ms.C.Uma

For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.V.Nanmaran,
Additional Government Pleader



W.P.No.2285 of 2022:

S.V.Bharathi

.. Petitioner

Vs.

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1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of School Education,
Directorate of School Education,
College Road, Chennai-600 006.
3. The Joint Director of School Education,
(Higher Secondary Education)
Directorate of School Education,
College Road, Chennai-600 006.
4. The Chief Educational Officer,
Erode District,
Erode - 638 001.
5. The Headmaster,
Government Girls Higher Secondary School,
Sathyamangalam,
Erode District-638 402.

...Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to instruct the 4th and 5th respondents to accept the application of the petitioner who is working as a PG Assistant and permit the petitioner to participate in the Transfer counselling for PG Assistants to commence on 11.02.2022 as per General Transfer Counselling Policy for teachers working in Government/Panchayat Union/Municipal Primary/ Middle Schools and Government/Municipal High/Higher Secondary Schools framed in G.O.(Ms).No.176, School Education [SE5(1)] Department dated 17.12.2021 notwithstanding the fact that the petitioner has not completed one year in the present postings.

For Petitioner : Mrs.Nalini Chidambaram,
Senior Counsel for M/s.C.Uma



For Respondents : Mr.V.Nanmaran,
Additional Government Pleader

C O M M O N O R D E R

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These writ petitions have been filed for issuance of Writ of Mandamus, directing the respondents to accept the application of the petitioners, and allow the petitioners to participate in the Transfer counselling.

2. The case of the petitioners in brief:

The petitioners were promoted as P.G. Assistant during the month of February 2021 and working in various Government Schools across the State of Tamil Nadu. The petitioners have not been allowed to participate in the General Transfer Counselling to be held on 11.02.2022. In the Government order in G.O.Ms.No.176 School Education Department dated 17.12.2021, there is no specific norms prohibiting the promoted and transferred teachers to participate the general counselling. Hence, this writ petition.

3. The learned Additional Government Pleader, appearing for the respondents submitted that, in respect of minimum service of one year in the existing station for General Transfer Counselling, the Government has amended the G.O.Ms.No.176, School Education Department dated 17.12.2021, vide G.O.Ms.No.15 School Education Department dated 10.02.2022, wherein, it is stated as follows:

'Amendment'

In the said Government Order in paragraph 7 under the heading "(1) GENERAL CONDITIONS'" after the sub-paragraph (c), the following sub-paragraph shall be added namely"-

"(d) All category of Headmasters and teachers should have minimum of one year service in the existing station on the date of notification, which is mandatory to apply for General Transfer Counselling.'"

He has also placed the above said Government Order. Further, if the petitioners are aggrieved, they may challenge the above order.



4. In view of the above, these writ petitions are dismissed as infructuous. Consequently, the connected writ miscellaneous petitions are closed. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssi/dua

To

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of School Education,
Directorate of School Education,
College Road, Chennai-600 006.
3. The Joint Director of School Education,
(Higher Secondary Education)
Directorate of School Education,
College Road, Chennai-600 006.
4. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai - 606 601.
5. The Chief Educational Officer,
Thanjavur District, Thanjavur-613 001.
6. The Chief Educational Officer,
Thirupattur District, Thirupattur-636 601.
7. The Chief Educational Officer,
Chengalpattu District, Chengalpattu-603 001.
8. The Chief Educational Officer,
Thiruvallur District, Thiruvallur-602 001.



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Elapakkam, Chengalpet District - 603 201.



21. The Chief Educational Officer,
Erode District, Erode - 638 001.

22. The Headmaster,
Government Girls Higher Secondary School,
Sathyamangalam, Erode District-638 402.

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+1cc to M/s.C.Uma, Advocate, S.R.No.12220
+1cc to the Government Pleader, S.R.No.13082

W.P.Nos.2449 and 2285 of 2022

NRL (CO)
PM/17/03/2022