



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.3427 of 2022

and

WMP.No.3539 of 2022

1. G.Veerathanalakshmi

2. Wagitha Begum

... Petitioners

Vs.

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

2.The Commissioner of School Education,
E.V.K.Sampath Maaligai Dharmapuri Campus,
College Road,
Nungambakkam, Chennai-600 006.

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

4.The Joint Director of School Education (Personnel),
E.V.K.Sampath Maaligai,
D.P.I.Campus, College Road,
Nungambakkam, Chennai-600 006.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, to direct the respondents to transfer the petitioners in the near by vacant place of Virudunagar District and Erode District respectively in the light of the judgment passed in W.P. (MD).No.16884 of 2021 and batch dated 24.11.2021 based of the representation of the petitioners dated 06.11.2021.

For Petitioner : Mr.C.Prabakaran

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



O R D E R

This writ petition has been filed to direct the respondents to transfer the petitioners in the near by vacant place of Virudunagar District and Erode District respectively in the light of the judgment passed in W.P.(MD).No.16884 of 2021 and batch dated 24.11.2021 based of the representation of the petitioners dated 06.11.2021.

2. Brief facts of the case:

(i).The petitioners were appeared in Teacher Recruitment Board examination for the post of Block Resource Teacher Educators (BRTE) during the year 2010 and thereafter, the first petitioner was appointed as BRTE at Rajapalayam Educational Block, Virudunagar District by on order dated 15.10.2010 in Tamil Subject and subsequently, on 21.06.2014, he was transferred to Watrap Educational Block Virudungar District; the second petitioner was appointed as BRTE at Thaalawadi Educational Block, Coimbatore District, by an order dated 15.10.2010 and then she was transfer to D.N.Palayam in the year 2012 and again transferred to Sathyamangalam Eudcational Block. Since then, the petitioners have been rendering their services without blemish of records.

(ii).In order to form a uniformity in counselling as well as to maintain the seniority list of the State, as per the order of this Court in W.P.No.27.085 of 2019, dated 30.09.2018, the respondents had issued G.O.(1D).No.134, School Education [Pa.Ka.5(1)] Department, dated 18.08.2021, stating that counselling for transfer had been made as mandatory.

(iii).Further, BRTEs transferred on deployment were given preference as per Para III Clause IX of the said G.O., and all the other BRTEs had been merged and placed under zero vacancy for the seniority fixation and counselling for transfer. These aspects are affected the right of the equality of BRTEs. Therefore, they made a representation to the respondent requesting any of the near by place in the existing vacancies which are not considered so far. Hence, the Writ Petition.

3.The learned counsel for the petitioner submitted that, in all the service departments including the PG Assistant and BT Assistant, counselling for transfer is not mandatory, was preferred by the respondents and that G.O., was issued only for the purpose of satisfying 360 BRTEs. Hence, the respondents have caused injustice to other BRTEs, who are working throughout the state. He would further submit that this Court in W.P.(MD).NO.16884 of 2021 and Batch, by an order dated 24.11.2021,



has quashed the GO in respect of clause 4(1)(a) and 4(iii)(ix) which was giving priority to the particular set of BRTE's. During the pendency of the said writ petitions, an interim order has been passed to kept abeyance of BRTE Teacher opts for the same place under clause 4(1)(a) and 4(iii)(ix) are also ordered to proceed passing appropriate posting order. Hence, he seeks to consider the petitioner's representation.

4.The learned Additional Government Pleader appearing for the respondents would submit that the petitioners have already participated in the transfer counselling, which was held in the month of October 2021. Further, he would submit that the petitioners are seeking for participating in the transfer counselling for the post of BRTE. Hence, he submitted that this writ petition is not maintainable.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.In view of the above facts and circumstances of the case and considering the submissions made by both the parties, this Court finds that this writ petition can not be entertained for the aforesaid relief as prayed in the writ petition. However, this Court directs the respondent to consider the petitioner's representation dated 06.11.2021 and pass orders and communicate the same to the petitioner, if the petitioner's are eligible.

7.Accordingly, this Writ Petition stands dismissed with the above liberty. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Dua

To

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



2.The Commissioner of School Education,
E.V.K.Sampath Maaligai Dharmapuri Campus,
College Road, Nungambakkam, Chennai-600 006.

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Nungambakkam, Chennai-600 006.

+lcc to Mr.C.Prabhakaran, Advocate SR.No.10607
+lcc to the Government Pleader SR.No.11572

W.P.No.3427 of 2022 &
WMP.No.3539 of 2022

EV(CO)
GN(18/03/2022)