



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. Nos. 3081, 3089 and 3122 of 2022
and

W.M.P.Nos. 3242, 3243, 3245, 3253, 3255, 3257,
3288, 3290 and 3293 of 2022

1. M. Chandrasekaran
2. M. Srikanth
3. L.M. Sekaran
4. M. Muthukumarasamy
5. C. Mathiyalagan
6. S. Senthil Murugan
7. S. Suresh
8. A. Murugan
9. M. Varadan
10. C. Mani
11. T. Ganesan
12. V. Senthilkumar
13. M. Sakthivel
14. S. Govindarasu
15. J. Justin
16. A. Amutha
17. R. Jeyabharathi
18. K. Bernadsha
19. J. Joyselvarani
20. P. Senthilvelan
21. A. Thavachelvam
22. G. Kumar
23. M. Yuvaraja
24. R. Vijayalakshmi
25. C. Murugan
26. A. Sivalingan
27. K. Jaganathan
28. A. Parameshvaran
29. L. Thamizhkuyil
30. M. Kavitha
31. A. Padmavathi
32. K.S. Anandaraja
33. G. Kavitha
34. S. Sugumari
35. K.K. Sumathi
36. T. Venkatachalam
37. P. Shunmugam



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38. C.S. Muthu
39. S. Jayakumar
40. S. Sri Sayeepriya
41. P. Merryline Gnanamirtham
42. G. Jaya
43. P. Velmurugan
44. M. Bhuvaneshwari
45. P. Manikandan
46. N. Shanmuga Sundaram
47. R. Mayilmurugan
48. T. Nirmal Rani
49. R. Sudhamathi
50. M. Muthulakshmi
51. C. Vijayakumar
52. N. Muthu
53. G. Mageswari
54. P. Murugan
55. A. Subramaniam
56. K. Umamaheshwari
57. M. Nirmala Mary
58. S. Ponniah
59. C. Arulmozhi
60. D. Iyyappan
61. B. Jebarani
62. S. Rajesh
63. M. Ananthi
64. D. Kayalvizhi
65. N. Maithili
66. S. Maruthi
67. C. Kandan
68. R. Usharani
69. S.V. Bharathi

...Petitioners
in W.P. No. 3081 of 2022

70. K. Murugaiyan
71. S. Jamuna Rani

...Petitioners
in W.P. No. 3089 of 2022

72. C. Kandan
73. R. Usharani

...Petitioners
in W.P. No. 3122 of 2022

Vs.

1. The State of Tamil Nadu,
Represented 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,
DPI Complex, College Road, Chennai - 600 006.

3. The Joint Director of School Education,
(Higher Secondary Education),
Directorate of School Education,
DPI Complex, College Road,
Chennai - 600 006.

... Respondents 1 to 3 in
W.P.Nos.3081, 3089
and 3122 of 2022

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

5. The Chief Educational Officer,
Thiruvallur District, Thiruvallur.

... Respondents 4 & 5 in
W.P.No.3089 of 2022

6. The Chief Educational Officer,
Dindigul District,
Dindigul.

7. The Headmaster,
Government Higher Secondary School,
Senkurichi,
Dindigul District - 624 306.

8. The Headmaster,
Government Higher Secondary School,
Poomparai,
Kodaikanal Taluk,
Vathalakundu Kalvi District,
Dindigul District - 624 103.

... Respondents 4, 5 & 6 in
W.P.Nos.3293 and 3122 of 2022

Prayer in W.P.No.3081 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus directing the second respondent to issue instructions to all Chief Educational Officers in Tamil Nadu to reconsider the applications filed by the petitioners/P.S. Assistants prior to 10.02.2022 without applying the one year ban and call them for General Transfer Counselling on the rescheduled date and consequently forbear the second respondent from issuing instructions to all Chief Educational Officers in Tamil Nadu to apply G.O.Ms.No.176, School Education Department,



dated 17.12.2021 as amended by G.O.Ms. No.15, School Education Department dated 10.02.2022 to applications filed by the petitioners/PG Assistants prior to 10.02.2022 seeking permission to participate in the General Transfer Counselling for P.G. Assistants.

Prayer in W.P.No.3089 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus directing the second respondent to issue instructions to the respective Chief Educational Officers to reconsider the applications filed by the Teachers/Head Masters prior to 10.02.2022 without applying the one year ban and call them for General Transfer Counselling on the rescheduled date and consequently forbear the second respondent from issuing instructions to the Head Masters and Chief Educational Officer to apply G.O.Ms.No.176, School Education Department, dated 17.12.2021 as amended by G.O.Ms. No.15, School Education Department dated 10.02.2022 to applications filed by the Teachers prior to 10.02.2022 seeking permission to participate in the General Transfer Counselling.

Prayer in W.P.No.3122 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus directing the respondents 4 to 6 herein to accept the application of the petitioners who are working as PG Assistants and forward the applications of the petitioners to the respective CEOs namely respondent No.4 for allowing the petitioners to participate in the General Transfer Counselling for PG Assistants to commence on 11.02.2022 or any other subsequent date notified by the second respondent as per General Transfer Counselling Policy for teachers working in Government/Panchayat Union/Municipal Primary/Middle 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 posting.

For Petitioners: Mrs. Nalini Chidambaram
for Ms.C. Uma

For Respondents: Mr. R. Neelakandan,
Additional Advocate General,
assisted by Mrs. P. Rajarajeswari,
Government Advocate



COMMON ORDER

These writ petitions have been filed for the issuance of a writ of mandamus directing the respondents to issue instructions to all Chief Educational Officers in Tamil Nadu to reconsider the applications filed by the petitioners prior to 10.02.2022 without applying the one year ban and call them for General Transfer Counselling to commence on 11.02.2022 or any other subsequent date notified by the second respondent and consequently forbear the second respondent from issuing instructions to Head Masters and Chief Educational Officers in Tamil Nadu to apply G.O.Ms.No.176, School Educational Department, dated 17.12.2021 as amended by G.O.Ms. No.15, School Education Department dated 10.02.2022 to applications filed by the petitioners prior to 10.02.2022 seeking permission to participate in the General Transfer Counselling for P.G. Assistants.

2. According to the petitioners, they were promoted during the month of February, 2021 and they were given posting orders in their respective vacancies and transferred from the original place of appointment that is far away from their native district to the other districts. The petitioners therefore accepted the said posting orders and joined in the respective place.

3. The learned counsel appearing for the petitioners would submit that the Government has issued G.O.Ms.No.176 School Education Department dated 17.12.2021, giving general transfer counselling Policy for teachers working in Government/Panchayat Union/ Municipal Primary/Middle Schools and Government/Municipal High/Higher Secondary Schools. As per the said Government Order, one year service in the existing station on the date of notification, which is mandatory to apply for the transfer counselling .

4. According to the petitioners, the Commissioner of School Education/second respondent herein issued proceedings dated 30.12.2021 having Ref.No.25154/A1/E2/2021 giving the procedure and guidelines for applying by on line mode through the Educational Management and Information System (EMIS) for general transfer counselling. Therefore these writ petitioners have applied for General Counselling to be conducted for the academic year 2021-2022. The aforesaid request made by the petitioners was declined by the Chief Educational Officer.

5. Pursuant to the interim direction passed by the court to permit the petitioners to participate in the general counselling, the first respondent issued G.O.Ms.No.15, School Education Department dated 10.02.2022 amending G.O.Ms. No. 176, School Education Department 10.02.2022.



6. According to the learned counsel for the petitioners, they were promoted in February 2022 and all were joined in the respective schools pursuant to the posting orders issued. Now, in view of the amended G.O.Ms.No.15, School Education Department dated 10.02.2022, the Chief Educational Officer has not permitted the petitioners to participate in the general transfer counselling. Therefore, the right of the petitioners has been denied for participating in the general transfer counselling . Hence the present writ petition has been filed.

7. The learned Government Pleader appearing for the respondents would submit that the Government has passed the amended G.O.Ms.No.15, School Education Department dated 10.02.2022, wherein it has been clearly stated that all category of Head Masters and teachers should have minimum of one year service in the existing station on the date of notification, which is mandatory to apply for transfer counselling. These conditions are not satisfied by the petitioners. Since the policy decision has been taken by the respondent, petitioners cannot be permitted to participate in the general transfer counselling.

8. According to the Commissioner of School Education Department, since the students' education should not be suffered, the Government has taken policy decision that teachers should continue in the existing station for one year before applying for transfer. Hence the amended G.O. has been passed. Therefore, seeks for dismissal of the writ petitions.

9. Heard the parties concerned and perused the material on record.

10. The issues involved in these writ petitions are that the petitioners are promoted in the month of February, 2021 and they were issued posting orders in their respective vacancy. Therefore, the said restriction of one year will not apply to the petitioners.

11. The primary contention of the writ petitioners is that they all participated in the promotion counselling and posted in the respective vacancies, and based on the posting orders issued by the Department, they all joined in the transferred place. Now, these writ petitioners are working in the transferred place, which is far away from their native district. Therefore, they seek for participating in the general transfer counselling conducted by the respondents and also seek exemption of the aforesaid restriction period of one year.



12. The learned Senior Counsel also relied upon the order passed in W.P.No.19175 of 2019 dated 03.10.2019 by Mr.Justice.M.Dhandapani. Wherein, relief was granted to the petitioners for participating in the general transfer counselling to be held in the academic year 2019-2020. Therefore, considering the aforesaid decision passed in W.P.No.19175 of 2019 dated 03.10.2019, the petitioners also seek for similar relief that the petitioner has not been completed their one year period from the date of issuing the posting order in these categories.

13. In view of the above, this court issues following directions to the respondents:

i) to permit the petitioners to participate in the general transfer counselling for the academic year 2021-2022;

ii) Further, the Commissioner of School Education as per the Commissioner of Education Department special counselling to be conducted for these teachers on or before March, 2022.

iii) The respondents are also directed to verify whether these teachers were promoted in the year 2021, but not completed one year.

iv) The relief under the above circumstances, is granted only to the petitioners alone.

14. With these above directions, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.

2. The Commissioner of School Education,
Directorate of School Education,
DPI Complex, College Road, Chennai - 600 006.



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3. The Joint Director of School Education,
(Higher Secondary Education),
Directorate of School Education,
DPI Complex, College Road,
Chennai - 600 006.

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

5. The Chief Educational Officer,
Thiruvallur District, Thiruvallur.

6. The Chief Educational Officer,
Dindigul District,
Dindigul.

7. The Headmaster,
Government Higher Secondary School,
Senkurichi,
Dindigul District - 624 306.

8. The Headmaster,
Government Higher Secondary School,
Poomparai,
Kodaikanal Taluk,
Vathalakundu Kalvi District,
Dindigul District - 624 103.

+2cc to Ms.C.Uma, Advocate Sr.17480, 17481
+1cc to the Government Pleader Sr.18180,18181

W.P. Nos. 3081, 3089 and 3122 of 2022
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srg 18/03/2022