



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.4115 OF 2022

K.Panneerselvam

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Principal Secretary to Government,
School Education Department,
Fort ST.George, Secretariat,
Chennai 600 009.
2. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Joint Director of School Education (Personal)
DPI Campus, College Road,
Chennai 600 006.
4. The Chief Educational Officer,
Salem, Salem District.
5. V.Ravikumar,
B.T.Assistant (Science)
Government Higher Secondary School,
Thandavarayapuram,
Salem District.

... Respondents

PRAYER:

This Writ Petition has been filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the fourth respondent in Na.Ka.No.362/E1/2022 dated 07.01.2022, transferring the fifth respondent to the post of Deputy Inspector of Schools in the place of petitioner, and to quash the same and consequently directing the respondents 1 to 4 to allow the petitioner to continue in the post of Deputy Inspector of Schools in the Office of District Educational Office, Attur, Salem District.



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For Petitioner : Mr.G.Sankaran

For R1 to R4 : Mr.V.Manoharan
Additional Government Pleader

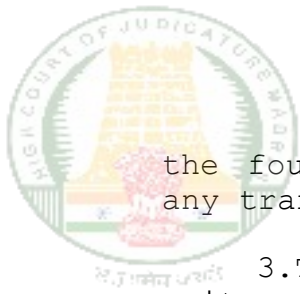
For R5 : No appearance

O R D E R

The relief sought for in the writ petition is to call for the records relating to the impugned order issued by the fourth respondent in Na.Ka.No.362/E1/2022 dated 07.01.2022, transferring the fifth respondent to the post of Deputy Inspector of Schools in the place of petitioner, and to quash the same and consequently direct the respondents 1 to 4 to allow the petitioner to continue in the post of Deputy Inspector of Schools in the Office of District Educational Office, Attur, Salem District.

2.Brief facts of the case:

The petitioner was initially appointed as Secondary Grade Teacher in School Education Department in the year 1997 and subsequently, he was promoted as Deputy Inspector of Schools. Subsequently, the Government has issued G.O.Ms.No.176, School Education Department, dated 17.12.2021 for conducting General Transfer Counseling for the teachers working in Government/Panchayat Union/Municipal Schools and further issued G.O.Ms.No.134, School Education Department dated 18.08.2021, for conducting general transfer counseling for BRTes. Thereafter, the third respondent has issued proceedings dated 06.01.2022 with directions to Chief Educational Officers to transfer the Deputy Inspector of Schools, who completed three years of service compulsorily to the post of B.T.Assistant on administrative grounds on or before 07.01.2022. As per G.O.Ms.No.13, dated 30.01.2020, a person holding the post of Deputy Inspector of Schools cannot be transferred to the post of B.T.Assistant. However, the third respondent has issued proceedings dated 06.01.2022 for transfer and the same was challenged before the Hon'ble Madurai Bench of this Court in the batch of cases in W.P.(MD).No.429 of 2022 and this Court has granted interim stay on 07.01.2022 and accordingly, the order passed by the third respondent dated 06.01.202 was stayed. Even thereafter, the fourth respondent has transferred the fifth respondent in the petitioner's place by suppressing the fact the petitioner is working. Hence, the petitioner has sent a request letter dated 06.01.2022 to transfer the petitioner to Krishnagiri District in the post of B.T.Assistant addressed to



the fourth respondent, but the petitioner has not issued with any transfer by the fourth respondent. Hence, the writ petition.

3.The learned counsel appearing for the petitioner reiterated the above said facts and relied upon the decision of the Hon'ble Division Bench of this Court in W.A.(MD).Nos.254 & 255 of 2022, dated 25.03.2022. Further, he would submit that the facts of the case on hand is identical to the aforesaid case and therefore, the said decision is squarely apply to the facts of the case.

4.The learned Additional Government Pleader appearing for the respondents 1 to 4 would not controvert the statement made by the learned counsel for the petitioner.

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

6.In view of the submissions made by the learned counsel on either side and in the light of the decision of the Hon'ble Division Bench of this Court in W.A.(MD).Nos.254 & 255 of 2022, dated 25.03.2022, impugned order issued by the fourth respondent in Na.Ka.No.362/E1/2022 dated 07.01.2022, by transferring the fifth respondent to the post of Deputy Inspector of Schools in the place of petitioner, is hereby quashed and the respondents 1 to 4 are directed to allow the petitioner to continue in the post of Deputy Inspector of Schools in the Office of District Educational Office, Attur, Salem District.

7.Accordingly, this writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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



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

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3. The Joint Director of School Education (Personal)
DPI Campus, College Road,
Chennai 600 006.

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

Copy To

The District Educational Officer,
Attur, Salem.

+lcc to Mr.G.Sankaran, Advocate SR.NO.29915
+lcc to Government Pleader, SR.NO.13787, 29401

W.P.No.4115 of 2022

BR(CO)
PM/01/06/2022