



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4205 of 2022
and
W.M.P.No.4357 of 2022

T.Salomonraj

...Petitioner

Vs

1. The Director of Elementary Education,
D.P.I. Campus,
Nungampakkam, Chennai - 6.
2. The Joint Director of Elementary Education,
College Road, DPI Campus,
Nungampakkam, Chennai - 6.
3. The Chief Educational Officer,
O/o.Chief Educational Office,
Tuticorin - 628 002.
4. The Chief Educational Officer,
O/o.Chief Educational Office,
Krishnagiri.
5. The District Educational Officer,
Thiruchendur,
Tuticorin District.
6. The Block Educational Officer,
Alwar Thirunagari Union,
(AT) Thenthiruperai,
Tuticorin District - 628 623.

...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.01.2022 in the light of the order passed by this Hon'ble High Court, Madras in W.P.No.18643 of 2019 dated 22.10.2019 by considering his seniority as well as his family situation and direct the 2nd respondent to transfer the petitioner from Kattiganapatti Panchayat Union Middle School, Krishnagiri District to any one of the schools having vacancy at



Tuticorin District.

For Petitioner: Mr.S.Arivalagan

For Respondents: Mr.V.Nanmaran
Additional Government Pleader

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O R D E R

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 05.01.2022 in the light of the order passed by this Hon'ble High Court, Madras in W.P.No.18643 of 2019 dated 22.10.2019 by considering his seniority as well as his family situation and direct the 2nd respondent to transfer the petitioner from Kattiganapatti Panchayat Union Middle School, Krishnagiri District to any one of the schools having vacancy at Tuticorin District.

2.Brief facts of the case:

On 15.07.2009, the petitioner was appointed as Secondary Grade Teacher in Chinnakuthi Panchayat Union Primary School, Shoolagiri Panchayat Union, Krishnagiri District and subsequently, transferred to Kattiganapalli Panchayat Union Middle School on 21.09.2011 in the same union and continuously working in the same place by living without his family since his wife was permanently employed as Secondary Grade Teacher working at Turicorin Nazerath Diocese Charitable Trust Association Middle School, Meerankulam Tuticorin District. Further his age old mother, who was blind and his two children were also staying along with the his wife at Meerankulam. Hence, he filed an application on 23.04.2012 to transfer from Shoolagiri Union, Krishnagiri District to any one of the schools having vacancy at Aalwar Thirunagari Union Tuticorin District and the same was duly received by the AEEO and the same was also forwarded to the concerned authorities. Though, he has filed applications for transfer from the year 2011 - 2021, the respondents did not show the actual vacancy position before counselling. Hence, he filed writ petition before this Court in W.P.No.18643 of 2019 for directing the respondents to consider his representation dated 08.04.2019 by considering his seniority and family situation and direct the 2nd respondent to transfer him from Kattiganapalli Panchayat Union Middle School, Krishnagiri District to any one of the schools having vacancy at Aalwar Thirunagari Union, Tuticorin District. This Court by an order dated 22.10.2019 had directed the respondents to consider petitioner's representation on merits and pass appropriate orders as expeditiously as possible. Therefore, the petitioner has sent a representation to the respondents by enclosing the above said order copy. Despite, the respondents have filled the existing vacancies to others and



thereby, he sent a legal notice on 15.10.2020 and since no action was initiated, the petitioner filed Contempt Petition in Cont.P.No.1171/2020 before this Court and this Court has given liberty to challenge the above said impugned order. But due to COVID pandemic no counselling was conducted during the period 2020-2021. Hence, the petitioner has made a request for transfer dated 05.01.2022 to the fourth respondent through proper channel. Further, he came to know that there are more than 10 vacancies available in the Tuticorin District. Hence, the writ petition.

3.The learned counsel for the petitioners would submit that the petitioner was appointed as Secondary Grade Teacher in Chinnakuthi Panchayat Union Primary School, Shoolagiri Panchayat Union, Krishnagiri District and subsequently, he was transferred to Kattiganapalli Panchayat Union Middle School on 21.09.2011 in the same union and he was continuously working in the same place without getting any transfer by living separately from his family since his wife was also employed. Since the petitioner is eligible to get transfer, as per G.O.Ms.No.483, Education (M2) Department, dated 12.05.1993, the petitioner has filed an application for transfer but there is no reply from the respondent. Further, the petitioner has filed several applications for transfer, but there is no proper reply from the respondent.

4.Further, the learned counsel for the petitioners would submit that for the past 11 years more than 70 transfers were issued in Tirunelveli District by the DEEO Tuticorin, who has no power to transfer under the Head of Administration. As per the Government Orders, the transfer under the Head of Administration orders should be passed only to the teachers who received complaints against them and that complaints should be enquired by the appropriate authority and based on the enquiry report only they should be transferred. Whereas, the above 70 transfers were made under the Head of Administration without explaining any reason. It clearly reveals that all the transfers were made under the Head of Administration were illegal and this would clearly show that malpractices were played in the above transfer. Hence, the petitioner is eligible to get transfer.

5.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner is eligible for participating in the general transfer counselling, which is going to be held on 28.02.2022 and he can also participate in the general transfer counselling and seek for the place where he resides.

6.Heard the learned counsels on either side and perused the materials placed on record.

7.In view of the above, it is seen that the petitioner is



eligible for participating in the general transfer counseling to be held on 28.02.2022 and without waiting for the same, he has approached this Court. Therefore, this writ petition cannot be entertained and if there is any future vacancies, it is for the petitioner to approach the concerned authority after general transfer counselling is completed.

8. Accordingly this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Director of Elementary Education,
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Tuticorin District - 628 623.

+1cc to the Government Pleader, S.R.No.13084

W.P.No.4205 of 2022

MT(CO)
RGA(28/03/2022)