



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.19649 of 2020 &
WMP.No.24282 of 2020

Krishnasamy,
S/o.Athimoolam,
BT Assistant (English),
Panchayat Union Middle School,
Varisaiyoor, Narikudi Block,
Virudhunagar District.

... Petitioner

Vs

The Director of Elementary Education,
College Road, Chennai.

... Respondent

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, to direct the respondent to consider the petitioner's request for transfer to any of the available vacancies the following schools in Thenkasi District at Panchayat Union Middle Schools at Ko.Maruthappapuram, Panneerootru of Melaneelethanallur Union & Kurinjankulam Panchayat Union Middle School of Kuruvikulam Union.

For Petitioner : Mr.Balamurali
for K.S.Saravanan

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

O R D E R

This writ petition has been filed to direct the respondent to consider the petitioner's request for transfer to any of the available vacancies in the following schools in Thenkasi District at Panchayat Union Middle Schools at Ko.Maruthappapuram, Panneerootru of Melaneelethanallur Union & Kurinjankulam Panchayat Union Middle School of Kuruvikulam Union.



2. Brief facts of the case:

(i). The petitioner was appointed and working as a Graduate Teacher (BT Assistant English) in Panchayat Union Middle School, Varisaiyoor, Narikudi Block, Virudhu Nagar District from 2010 onwards and living separately from his wife and children since his wife was working as a Teacher at SankaranKoil, which is 150 k.m., away from his work place. He was serving in the said place without getting transfers to any district near by his native place. Eventhough, he has applied for transfer counselling on several occasions he was not transferred to any place of his choice, but his juniors had obtained transfer orders by the respondent based on the willingness application submitted by his juniors though the schools were not yet started due to Covid-19 Pandemic. Thereafter, the petitioner has applied for transfer counselling though his application dated 07.12.2020 and the same is still pending before the respondent. Hence, the present Writ Petition.

3. The learned counsel for the petitioner submitted that the respondent conducts transfer counselling for every academic year based on the Government Order. The norms and eligibility of the persons who are qualified to participate in the counselling will be prescribed in the Government Order. Due to Covid-19 pandemic situation though the schools are not opened the respondent is issuing transfer orders to the teachers and the staffs attached to the schools based upon their willingness but the Government has not issued any G.O. Hence, the petitioner has submitted his application on 07.12.2020 to transfer to any of the available vacancies in the Thenkasi District but there is no response from the respondent. Hence, he seeks to grant an order of interim injunction restraining the respondent from filling up the post of B.T. Assistant English at Panchayat Union Middle Schools at Ko. Maruthappapuram, Paneerootru of Malaneeethanallur Union & Kurinjankulam Panchayat Union Middle School of Kuruvikulam Union, Thenkasi District pending disposal of this writ petition.

4. The learned Additional Government Pleader, appearing for the respondent submitted that the eligible vacancies are less than the number of teachers to be deployed, therefore, the petitioner's name was not considered. Further, he submitted that the petitioner's request for transfer counselling will be considered for the General Transfer Counselling for this academic year according to the availability of vacancies at that time and also taking into consideration the surplus position in the Thenkasi District.



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

6.On a perusal of the records it is seen that the petitioner is eligible for the General Transfer Counselling for this academic year and he has also made an application for transfer to the respondent on 07.12.2020.

7.In view of the above facts and circumstances of the case and considering the fact that the petitioner has already given the application for transfer dated 07.12.2020 to the respondent and the same is still pending, it is for the respondent to consider the said application for the General Transfer Counselling for this academic year and pass appropriate orders.

8.With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition stands closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

Dua

To

The Director of Elementary Education,
College Road,
Chennai.

+lcc to Mr.K.Saravanan, Advocate SR.No.10617

+lcc to the Government Pleader, SR.No.11575

W.P.No.19649 of 2020 &

WMP.No.24282 of 2020

PCH(CO)

CB(07/03/2022)