



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.19599 of 2020
and WMP.No.24222 of 2020

N.Ashok Kumar
S/o.K.Navaneetha Krishna Pandiyan
BT Assistant (English),
Government Higher Secondary School,
Veeracholan,
Thiruchuli Taluk,
Virudhunagar District

...Petitioner

Vs

1.The Director of School Education,
College Road,
Chennai.

2.The Joint Director of School Education (Personnel),
Office of the Director of School Education,
College Road, Chennai.

...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 consider the petitioner's request for transfer to any of the available vancancies the following schools in Thenkasi District at Government Higher Secondary Schools at Sernthamaram, Thirumalapuram, Nettoor of Thenkasi District.

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

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

O R D E R

This Writ Petition has been filed to direct the respondents to consider the petitioner's request for transfer to any of the available vancancies in the Government Higher Secondary Schools at Sernthamaram, Thirumalapuram, Nettoor, at Thenkasi District.

2.Initially the petitioner was appointed at Sembanarkoil, Nagapattinam District Government Girls Higher Secondary School on 17.12.2012 and subsequently, in the year



2014, he was transferred and working as a Graduate Teacher (BT Assistant English) in Government Higher Secondary School, Veeracholan, Thiruchuli Taluk, Virudhunagar District. From the year 2014 onwards, he was living separately from his wife and children since his wife was working as a Teacher at Tenkasi, which is 50 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 for the past three years viz., 2017, 2018 & 2019, he was not transferred to any place of his choice, but his juniors had obtained transfer orders by the respondents 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 30.11.2020 and the same is still pending before the respondents. Hence, the present Writ Petition.

3.The learned counsel for the petitioner submitted that the respondents 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 respondents are 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 30.11.2020 to transfer to any of the available vacancies in the Thenkasi District but there is no response from the respondents. Hence, he seeks to grant an order of interim injunction restraining the respondents from filling up the post of B.T.Asistant English Government Higher Secondary Schools at Sernthamaram, Thirumalapuram, Nettoor of Thenkasi District pending disposal of this Writ Petition.

4.The learned Additional Government Pleader, appearing for the respondents submitted that the eligible vacancies are less then 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 respondents on 30.11.2020.



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 counselling dated 30.11.2020 to the respondents and the same is still pending, it is for the respondents 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-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of School Education,
College Road,
Chennai.

2. The Joint Director of School Education (Personnel),
Office of the Director of School Education,
College Road, Chennai.

+1cc to Mr.K.S.Saravanan, Advocate SR. No.10616

+1cc to Government Pleader SR. No.11574

W.P.No.19599 of 2020 &
WMP.No.24222 of 2020

PCH (CO)
PR (04/03/2022)