



WEB COPY



W.P.No.27612 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27612 of 2022
and WMP No.26884 of 2022

M.Sekar

... Petitioner

Versus

1. The Government of Tamil Nadu
Represented by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
2. The Commissioner of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The Chief Educational Officer,
The Chief Educational Office,
Egmore, Chennai-600 008.
4. The District Educational Officer,
The District Educational Office,
84, Anna Salai, Saidapet,
Chennai-600 015.
5. The Correspondent,
C.S.I.St.Ebba's Girls Higher Secondary School,
No.109, Dr.Radha Krishnan Salai,
Mylapore, Chennai-600 004.

6. The Correspondent,
CSI St.David's Hr.Sec.School
Cuddalore

.... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the fourth respondent to accord approval to the transfer of the petitioner with effect from 18.06.2019 in the fifth respondent school with all monetary and attendant benefits.

For Petitioner : Mr.Fr.Xavier Arulraj
Senior Counsel for
M/s Father Xavier Associates

For Respondents :Mr.C.Sathish
Government Advocate
For R.1 to R.4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the fourth respondent to accord approval to the transfer of the petitioner with effect from 18.06.2019 in the fifth respondent school with all monetary and attendant benefits.

2. The petitioner was transferred to the fifth respondent school, Chengalpet on 15.06.2019. Since the previous incumbent of the same post in the fifth respondent school had objected for his transfer to Cuddalore, the petitioner contends that the petitioner's transfer was not approved, even though he had been issued relieving orders for his transfer from Chengalpet to the fifth respondent school. According to the petitioner, pursuant to an order passed by



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the Division Bench of this Court in Contempt Appeal No.6 of 2019 and CMP Nos.561 of 2021 and 23760 of 2019, Daniel/the incumbent to the said post prior to the petitioner's transfer, has joined as Office Assistant in CSI St.David's Higher Secondary School, Cuddalore, where he was transferred by order dated 15.06.2019. Therefore, according to the petitioner, there is no impediment for the fourth respondent to approve the petitioner's transfer to the fifth respondent school. The petitioner has given a representation on 08.12.2021 seeking for approval of his transfer to the fifth respondent school. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.Fr.Xavier Arulraj, learned Senior Counsel appearing for the petitioner and Mr.C.Sathish, learned Government Advocate accepts notice on behalf of the respondents. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. The learned Government Advocate would submit that no acknowledgement card has been produced by the petitioner to show that the representation was received by the fourth respondent and therefore, the petitioner will have to give a fresh representation.



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ABDUL QUDDHOSE, J.

sr

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