



WEB COPY



W.P.No.27681 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.27681 of 2022
and WMP Nos.26957 and 26959 of 2022**

K.R.Vijaya

... Petitioner

Versus

1. The Government of Tamil Nadu,
Represented by its Secretary,
Education Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of School Education,
Fort St.George, Chennai-600 009.
3. The Joint Director (Personnel),
Department of School Education,
DPI Campus, College Road,
Chennai-600 006.
4. The Chief Educational Officer,
Salem, Salem District.
5. Balambika

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying this Court to issue a writ of Certiorarified Mandamus to call for the
impugned order passed by the third respondent herein in his proceeding
Na.Ka.No.3346/C1/E1/2021, dated 01.07.2022 and quash the same and



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consequently direct the respondents to include the post of Headmaster in Municipal Girls High School, Sagadevapuram, Salem District in the promotion counselling.

For Petitioner : Mr.K.Raja
For Respondents :Mr.C.Sathish
Government Advocate

ORDER

This writ petition has been filed challenging the order dated 01.07.2022 passed by the third respondent transferring the fifth respondent from Mettur Dam Government Girls High School to Municipal Girls High School, Sagadevapuram.

2. Heard Mr.K.Raja, learned 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.

3. At the outset, learned counsel for the petitioner, on instructions, would submit that even though the petitioner has challenged the impugned order, the petitioner will be satisfied if her representation dated 27.07.2022 addressed to the first respondent is considered on merits and in accordance with law.

4. The petitioner's grievance in this writ petition is that even without a



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has passed the impugned order dated 01.07.2022 transferring the fifth respondent to another school. According to the petitioner, the said transfer order is arbitrary and illegal. The petitioner has given a representation on 27.07.2022 to the first respondent questioning the impugned transfer order dated 01.07.2022. Since the representation has not been considered till date, the petitioner is satisfied if a direction is issued to the first respondent to pass final orders on her representation after affording a fair hearing to the petitioner as well as the fifth respondent, in whose favour, the impugned order has been passed.

5. No prejudice would be caused to the respondents if such a direction is issued by this Court.

6. Learned counsel for the petitioner would however contend that the petitioner's representation will have to be considered within a short time since the promotion counselling is scheduled to take place soon.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 27.07.2022 on merits

ABDUL QUDDHOSE, J

sr



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and in accordance with law within a period of four weeks from the date of receipt of a copy of this order or before the promotion counselling, whichever date is earlier after affording a fair hearing to the petitioner as well as the fifth respondent.

With the aforesaid direction, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

17.10.2022

sr

Index: Yes/No

Speaking Order/Non-Speaking Order

Note: Issue Order copy on 19.10.2022

To

1. The Secretary,
Government of Tamil Nadu,
Education Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of School Education,
Fort St.George, Chennai-600 009.
3. The Joint Director (Personnel),
Department of School Education, DPI Campus, College Road,
Chennai-600 006.
4. The Chief Educational Officer, Salem, Salem District.

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