



WEB COPY



W.P.No.27771 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27771 of 2022
and
W.M.P.No.27065 of 2022

1.C.Bharathi
2.A.Dhanapal

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The Joint Director of School Education,
(Higher Secondary Education),
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.

4.The Chief Educational Officer,
Thiruvallur District,
Thiruvallur - 602 001.

... Respondents



W.P.No.27771 of 2021

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to call the petitioners, who are seniors in the cadre of Post Graduate Assistants in the subject Commerce having been appointed to the posts of Post Graduate Assistants in Commerce on 15.02.2021 for Special Transfer Counselling for the posts of Post Graduate Assistants in Commerce in Higher Secondary Schools in the Combined Vellore District and Krishnagiri District before calling the candidates who have passed the PG TRB exam in Commerce pursuant to notification No.01/2021, dated 09.09.2021 issued by the Teacher's Recruitment Board for certificate verification and counselling.

For Petitioners : Mrs.Nalini Chidambaram
Senior Counsel
for C.Uma

For Respondents : Mr.S.Yashwanth
Additional Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the second and third respondents to call the petitioners for Special Transfer Counselling, as according to them, being seniors they ought to have been called for the Special Transfer Counselling, but, whereas the respondents have called their Juniors for the Special Transfer Counselling. In such circumstances, the petitioners also claim that, despite



the lapse of more than a year, the counselling has not been held for them to enable them to get transferred to the places of their choice.

2. Even though the petitioners have sought for a positive direction from this Court, learned Senior Counsel appearing for the petitioners would now submit that the petitioners may be allowed to give a representation to the respondents to consider their request for transfer on merits and in accordance with law and on receipt of the said representation, a direction may be issued to consider the said representation within a time frame to be fixed by this Court.

3. No prejudice would be caused to the respondents, if the aforementioned direction is issued by this Court.

4. For the foregoing reasons, this Court directs the petitioners to submit a representation to the second and third respondents, requesting the second and third respondents to hold a Special Transfer Counselling for them to enable them to get transferred to the places of their choice, within a period of one week from the date of receipt of a copy of this order. On



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receipt of the said representation, the second and third respondents shall pass final orders on merits and in accordance with law within a period of four weeks thereafter.

5. With the aforesaid directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

26.10.2022

Index : Yes/No
Speaking Order : Yes / No
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ABDUL QUDDHOSE. J.,

ab

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**26.10.2022
(1/2)**