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W.P.No.28803 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28803 of 2022

R.Jayaraman

... Petitioner

Vs

1. State of Tamil Nadu,
rep. by its Principal Secretary to Government,
School Education department,
Fort St.George, Secretariat,
Chennai - 600 006.
2. The Commissioner,
Directorate of school Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Director of School Education (Personal),
DPI Campus, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to restore the petitioner to the post of Deputy Inspector of Schools coming under



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Category-I class-I of Special Rules for Tamil Nadu School Education Subordinate Service, by cancelling the order of transfer in Na.Ka.No.0006/aa4/2022 dated 07.01.2022 issued by the 4th respondent in excess of power and without jurisdiction as held in the orders of this Hon'ble Court passed in W.A.(MD) Nos.254 & 255 of 2022 dated 25.03.2022 in consideration of representation submitted by the petitioner with all consequential and other attendant benefits within a time frame to be fixed by this Court.

For Petitioner ... Mr.G.Sankaran

For Respondents ... Mr.C.Sathish,
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to restore the petitioner to the post of Deputy Inspector of Schools coming under Category-I Class-I of Special Rules of Tamil Nadu School Education Subordinate Service, by cancelling the order of transfer dated 07.01.2022 issued by the 4th respondent in violation of the directions given by the Division Bench of this Court dated 25.03.2022 passed in W.A.(MD).Nos.254 and 255 of 2022 within a time frame to be fixed by this Court.

2. Heard the learned counsel for the petitioner and Mr.C.Sathish,



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learned Government Advocate accepts notice on behalf of the respondents.

By consent of the parties, the main writ petition has been taken up for final disposal.

3. The petitioner is aggrieved by the transfer order dated 07.01.2022 issued by the 4th respondent from the post of Deputy Inspector of Schools to the post of B.T. Assistant. According to him, the said transfer order is in violation of the aforesaid order of the Division Bench of this Court. He has given a representation on 12.01.2022 requesting for restoration of his post as Deputy Inspector of Schools from the post of B.T. Assistant, where according to the petitioner, he was wrongly posted by the transfer order dated 07.01.2022 issued by the 4th respondent. Since the representation has not been considered till date, he has filed this writ petition.

4. At the outset, the learned Government Advocate appearing for the respondents would submit that aggrieved by the order dated 25.03.2022 passed by the Division Bench of this Court in W.A.(MD).Nos.254 and 255 of 2022 which the petitioner relies upon, the State has preferred an appeal before the Hon'ble Supreme Court and the S.L.P. has already been numbered and is likely to be listed for hearing. The said statement is recorded.



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5. However, according to the learned counsel for the petitioner, the Division Bench order relied upon by the petitioner has already been implemented. No prejudice would be caused to the respondents, if the petitioner's representation, as referred to supra, is considered on merits and in accordance with law, within a time frame to be fixed by this Court. Since the petitioner has not produced the acknowledgement card for having served the representation on the respondents, he will have to give a fresh representation to the respondents.

6. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the 3rd respondent seeking for restoration of his post as Deputy Inspector of School Education under Category-I Class-I of Special Rules for Tamil Nadu School Education Subordinate Service and for cancellation of the order of transfer issued by the 4th respondent on 07.01.2022 as B.T. Assistant, within a period of one week from the date of receipt of a copy of this order and the 3rd respondent on receipt of the same shall pass orders on the petitioner's representation on merits and in accordance with law within a period of twelve weeks thereafter. While considering the petitioner's representation, the 3rd respondent shall give due



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consideration to the order dated 25.03.2022 passed by the Division Bench of this Court in W.A.(MD).Nos.254 and 255 of 2022 which the petitioner relies upon to substantiate his claim.

With the above said direction, this Writ Petition is disposed of. No costs.

01.11.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
vsi

To

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ABDUL QUDDHOSE, J.

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