



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.283 of 2022

C.Yesurajan

... Petitioner

Vs.

The Commissioner of School Education,
DPI Campus,
College Road, Nungambakkam,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to consider the petitioner's representation dated 03.01.2022 and permit the petitioner to participate in the counselling to be held on 28.01.2022 at Chennai and to direct the respondent to grant an order of transfer and to appoint him in any one of the vacancies in Government High Schools at Kanyakumari District [(1) Government High School at Ozhuginachery (Nagercoil Educational District) (2) Government High School at Moolachi (Thuckalay Educational District) (3) Government High School at Vadakkuthamaraikulam (Nagercoil Educational District) (4) Government High School at Villunnikkonam (Thiruvattar Educational District), (5) Government High School at Thirunanthikarai (Thiruvattar Educational District) and (6) SLB Government High School at Nagercoil Educational District.

For Petitioner : Mr.M.Sreenivasan

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

O R D E R

The relief sought for in the present Writ Petition is to direct the respondent to consider the petitioner's representation dated 03.01.2022 and permit him to participate in the counselling to be held on 28.01.2022.

2. The learned counsel appearing for the petitioner mainly contended that the petitioner all along was working at various places across the State of Tamil Nadu and he has not been provided with an opportunity to participate in the counselling so as to get a



place of his choice. The petitioner states that his wife is also taking treatment for some ailments and children are school going. Under these circumstances, he has to take care of the family. Citing all these personal grievances, the learned counsel appearing for the petitioner reiterated that an opportunity is to be given to the petitioner to participate in the counselling so as to facilitate him to get an opportunity to choose a place or post.

3. Place or post can never be claimed as a matter of choice by the employees. Counselling is a concession granted by the Government by way of instructions/guidelines. However, such counselling will not provide any absolute right to the employees. Section 48 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 empowers the Competent Authority to issue transfer and posting of the employees. When the Act provides an absolute right, the guidelines are issued only to facilitate the employees to redress their grievances, if any exists. But such guidelines/instructions would not confer any absolute right to choose a place or post.

4. The learned Additional Government Pleader made a submission by getting instructions from the Officials of the Education Department, who is present before this Court that the petitioner participated in the counselling held on 28.01.2022 and therefore, the prayer sought for in the present writ petition has become infructuous.

5. This Court is of the considered opinion that regarding the personal grievances of the employees, it is always left open to them to approach the Competent Authorities. However, the High Court cannot consider such personal grievances on misplaced sympathy. High Court is not supposed to exercise the power of judicial review on misplaced sympathy or based on certain personal grievances of the employees. However, it is left open to the petitioner to approach the Competent Authorities for re-dressal of his grievances, if any exists.

6. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb



To
The Commissioner of School Education,
DPI Campus,
College Road, Nungambakkam,
Chennai.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-14981[F] dated
28/03/2022)

+1 CC to M/s.SPL GP (SR-14861[F] dated 28/03/2022)

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MGJ(07.04.2022) 3P 4C