



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.01.2022**

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.640 of 2022

Murugaiyan

... Petitioner

Vs.

1.The Chief Educational Officer,
Thanjavur District,
Thanjavur.

2.The District Educational Officer,
Kumbakonam,
Thanjavur District.

3.The Block Educational Officer,
Thiruppananthal Block,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to participate in the counselling for transfer scheduled on 08.02.2022, at Thiruppananthal Block, Thanjavur District, on the basis of the petitioner's representation dated 27.12.2021.

For Petitioner : Mr.G.Karnan, Advocate
For Respondents : Mr.S.Saji Bino,
Special Government Pleader

ORDER

Heard Mr.G.Karnan, learned counsel appearing for the petitioner and Mr.S.Saji Bino, learned Special Government Pleader appearing for the respondents.

2.This Writ Petition has been filed seeking for issuance of Writ of Mandamus, to direct the respondents to permit the petitioner to participate in the counselling for transfer scheduled on 08.02.2022, at Thiruppananthal Block, Thanjavur District, on the basis of the petitioner's representation dated 27.12.2021.

3.According to the petitioner, he was working as a Secondary Grade Teacher and on 30.08.2019, he was transferred from Panchayat Union Primary School, Konulampallam, Thiruppanandal Union, Thanjavur District and posted at Panchayat Union Primary School, Illupaithoppu, Orathanadu Block, Thanjavur District on the ground of surplus teachers, following the G.O.Ms.No.217 dated 20.6.2019



without following seniority basis of the Union as unit. The respondents have not fixed the union wise seniority list and fixed the surplus and junior most person to be transferred on the ground of surplus. However, by virtue of interim order of stay, the petitioner was continuing in the same place.

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4.Now according to the learned counsel for the petitioner, the respondents having taken steps in regard to preparing seniority list and also proposing to conduct counselling for transfer for the year 2021-22 which is scheduled to be held on 08.02.2022. Therefore, the petitioner also made a representation dated 27.12.2021, seeking permission to participate in the said counselling. Since the same has not been considered, the petitioner is before this Court.

5.Mr.S.Saji Bino, learned Special Government Pleader appearing for the respondents would submit that the petitioner is entitled to participate in the transfer counselling scheduled on 8.2.2022 as per the Circular of the Commissioner of School Education in Na.Ka.No.25154/A1/E2/2021, dated 06.01.2022.

6.Recording the statement made by the learned Special Government Pleader, this Writ Petition is allowed and the respondents are directed to permit the petitioner to participate in the teacher counselling scheduled on 08.02.2022. Since the counselling is scheduled on 08.02.2022, the learned Special Government Pleader is directed to intimate the order of this Court to the learned counsel for the petitioner and the petitioner be permitted to participate in the counselling.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

07/02/2022

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Chief Educational Officer,
Thanjavur District,
Thanjavur.



2.The District Educational Officer,
Kumbakonam,
Thanjavur District.

3.The Block Educational Officer,
Thiruppananthal Block,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-1888[F] dated 20/01/2022)

**W.P(MD)No.640 of 2022
19.01.2022**

RS(07.02.2022) 3P-5C