



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.3509 of 2022

D.Akila Nayagi

... Petitioner

-vs-

1. The Commissioner of School Education,
Chennai-600 006.
2. The Director of Elementary Education,
Chennai-600 006.
3. The Chief Educational Officer,
Thoothukudi.
4. The District Educational Officer,
Kovilpatti, Thoothukudi District.
5. The District Educational Officer,
Tiruchendur, Thoothukudi District.
6. The Block Educational Officer,
Vilathikulam, Thoothukudi District.
7. The Block Educational Officer,
Tiruchendur, Thoothukudi District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to permit the petitioner to participate the counselling to be held on 25.02.2022 or subsequent dates for union transfer as per petitioner seniority by considering her date of joining on 10.01.2014 so as to enable the petitioner to get transfer to Tiruchendur Union.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.N.Ga.Nataraj,
Government Advocate



O R D E R

This Writ Petition is filed to direct the respondents to permit the petitioner to participate in the counselling to be held on 25.02.2022 or subsequent dates for union transfer as per petitioner's seniority by considering her date of joining on 10.01.2014 so as to enable the petitioner to get transfer to Tiruchendur Union.

2.The learned counsel for the petitioner made a submission that the petitioner has participated in the compulsory counselling already conducted by the competent authority. Now the union counselling is proposed to be conducted on 25.02.2022 and the authorities are not permitting the petitioner to participate in the counselling, by stating that the petitioner had already participated in the compulsory counselling on 16.02.2022.

3.Participating in the counselling is to be done based on the Government Guidelines and instructions issued for counselling procedures. Counselling is conducted to accommodate the teachers in a particular school or place, which cannot be claimed as a matter of right. However, when a facility is extended to the teacher, such facility is to be granted in a uniform manner. Discrimination should be avoided in such matters. The authorities competent are bound to follow the procedures for conduct of counselling. If at all the petitioner is eligible as per the Government Orders and the procedures and guidelines, then alone she has to be permitted. However, Court cannot interfere and issue direction to allow the petitioner to participate in the counselling, as it is a concession and facility and equally, the authorities are duty bound to bear in mind that the petitioner cannot be discriminated. If all the similarly placed persons are permitted, then the case of the petitioner is also to be considered strictly in accordance with the procedures and guidelines issued by the Government.

4.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr



To

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+1 CC to M/s.V.PANNEERSELVAM, Advocate(SR-8810[F] dated
25/02/2022)

+1 CC to M/s.SPL GP (SR-8692[F] dated 25/02/2022)

W.P.(MD) No.3509 of 2022
24.02.2022

MGJ(10.03.2022) 3P 10C