



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.5971 of 2020

and WMP (MD) No.5169 of 2020

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G.Kathirvel

... Petitioner

Vs.

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

2.The Joint Director (Administration)
Directorate of Elementary Education,
Chennai 600 006.

3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tuticorin.

4.District Educational Officer
O/o. the District Educational Officer,
Aruppukottai,
Virudhunagar District.

5.The Block Educational Officer-2
Thiruchuli at M.Reddiapatti 626 118
Aruppukottai Taluk
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pursuant to the impugned order dated 06.11.2019 passed in Na.Ka.No.11452/D1/2019 of the 2nd respondent and quash the same consequently directing the 2nd respondent to pass appropriate orders to transfer the petitioner from panchayat union middle school, Rajagopalapuram, Tiruchuli Block, Virudhunagar District to any one of the school in the Thoothukudi District in view of the letter (Ms) No.92/S/09 dated 22.07.2009 of personnel and administrative reforms (S) department within a time frame fixed by this Court.

For Petitioner
For Respondents

: Mr.I.Suthakaran
: Mr.G.V.Vairam Santhosh
Additional Government Pleader



ORDER

The instructions issued by the Joint Director of Elementary Education in proceedings dated 06.11.2019 is under challenge in the present writ petition.

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2. Relying on the said instructions, the learned counsel for the petitioner reiterated that preference is to be granted to the differently abled persons in transfer counselling.

3. This Court has elaborately considered the scope of right of an employee regarding the transfer and postings with reference to the provisions of Tamil Nadu Government Servant Conditions of Service Act 2016. Transfer counselling is a concession and facility provided and cannot be claimed as a matter of right. When transfer is incidental to service and conditions of service, the same cannot be claimed as a matter of right. This Court cannot interfere with the day today administration of the Government department, more specifically in the matter of transfers and postings. Further more, the impugned instructions are lapsed on account of the fact that subsequent further counselling procedures came into effect for the current academic year. Therefore, the case of the petitioner cannot be considered based on the instructions of the year 2019. If any grievance is caused to the writ petitioner, it is left open to him to approach the competent authorities in the manner known to law.

4. The writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

RR

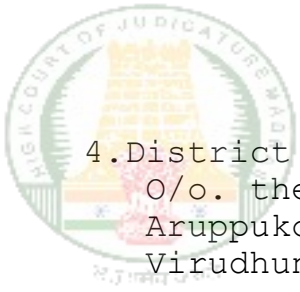
To

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

2.The Joint Director (Administration)
Directorate of Elementary Education,
Chennai 600 006.

3.The Chief Educational Officer,
O/o. the Chief Educational Officer,

<https://hcservices.tn.courts.gov.in/hcservices/>



4.District Educational Officer
O/o. the District Educational Officer,
Aruppukottai,
Virudhunagar District.

5.The Block Educational Officer-2
Thiruchuli at M.Reddiapatti 626 118
Aruppukottai Taluk
Virudhunagar District.

+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-14022[F] dated 24/03/2022)

+1 CC to M/s.SPL GP (SR-14331[F] dated 24/03/2022)

W.P. (MD)No.5971 of 2020
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MGJ(01.04.2022) 3P 8C