



W.P(MD)No.16584 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16584 of 2021

V.Rama

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai-9.
- 2.State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Backward Classes, Most Backward Classes and Minorities Welfare
Department,
Chennai-9.
- 3.The Director of Elementary Education,
DPI Campus,
Chennai-600 006.
- 4.The Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K.Sampath Maligai, DPI Compound,
Chennai.
- 5.The Commissioner / Director,
Most Backward & De-notified Communities Welfare,
Chennai-600 005.



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6. The Joint Director,
Kallar Reclamation,
Madurai-20.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Government Letter No. 16959/Tho.Ka3(1)/2019-7 dt. 23.08.2021 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction, directing the Respondents to transfer the petitioner in the post of Secondary Grade Teacher in any of the Kallar Reclamation Schools in view of the TET Weightage Mark in the light of the Judgment of this Court in W.A.(MD).No.1708 to 1710 of 2018 dt. 24.01.2019

For Petitioner : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For R1 to R3, R5
& R6 : Mr.S.Saji Bino
Special Government Pleader

For R4 : Mr.G.V.Vairam Santhosh

ORDER

Heard the learned counsel on either side.

2. The petitioner belongs to Most Backward Class (Piramalai Kallar). She exercised her option to join in the Kallar Reclamation Schools. However, she was posted in the School Education Department. She is now working in Dharmapuri District.



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3. The learned counsel appearing for the petitioner categorically stated that the petitioner wants to be posted in any Kallar Reclamation School not on the ground of her community but considering her domestic circumstances. The petitioner had earlier filed a writ petition before this Court. W.P.(MD)Nos. 13189 & 13190 of 2019 was disposed of on 12.06.2019 by directing the competent authority to pass order on her request. Pursuant to the said direction, the first respondent has issued the impugned order dated 23.08.2021 informing the petitioner that since No Objection is not forthcoming from the Commissioner / Director of Most Backward & De-notified Communities Welfare, Chennai, the petitioner's request could not be considered. That led to filing of the present writ petition.

4. On the last occasion, this Court had called upon the respondents to intimate the vacancy position. It is now clarified by the 6th respondent that as on date, there are as many as 88 teaching vacancies in the post of Secondary Grade Teacher. Earlier the Government could not accommodate the petitioner's request only because No Objection Certificate was not issued by the fifth respondent. Since there are now vacancies available, the third respondent is directed to transfer the petitioner to Kallar Reclamation Department coming under the fifth respondent. It is open to the fifth respondent to post the



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petitioner in any one of the Kallar Reclamation Schools. The respondents 3 & 5 shall issue appropriate orders in this regard within a period of eight weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed. No costs.

20.10.2022

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai-9.
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Backward Classes, Most Backward Classes and Minorities Welfare
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Chennai-9.
- 3.The Director of Elementary Education,
DPI Campus,
Chennai-600 006.
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G.R.SWAMINATHAN, J.

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