



W.P.(MD).No.17336 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.17336 of 2021

and

W.M.P.(MD).Nos.14212, 14213 of 2021 and 10692 of 2022

G.A.Latha

... Petitioner

Vs.

1.The Principal Secretary to Government,
Department of School Education,
Fort St.George,
Secretariat,
Chennai – 600 009.

2.The Commissioner of School Education,
EVK Sampath Maaligai,
DPI Campus,
College Road,
Nungambakkam,
Chennai – 600 006.

3.The State Project Director,
Samagra Shiksha,
DPI Campus,
College Road,
Nungambakkam,
Chennai – 600 006.



W.P.(MD).No.17336 of 2021

4.The Director of School Education (Personnel),
EVK Sampath Maaligai,
DPI Campus,
College Road,
Nungambakkam,
Chennai – 600 006.

5.The Joint Director of School Education (Personnel),
EVK Sampath Maaligai,
DPI Campus,
College Road,
Nungambakkam,
Chennai – 600 006.

6.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Kokkirakulam,
Tirunelveli – 627 009.

...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 relating to the Government Order vide G.O.(ID) No.134, School Education (ப.க.5) (1) Department dated 18.08.2021 and quash the impugned clause in Paragraph No.4(1)(A) and (VU) issued by the first respondent is concerned and consequently set aside the order passed by the sixth respondent's proceedings in ந.க.எண்.674/அ1/ஒபக/2021 நாள் 15.09.2021 and the fifth respondent's proceedings in ந.க.எண்.41779/சி4/இ1/2021 நாள் 16.09.2021 and quash the same.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.A.Kannan,

Additional Government Pleader.



W.P.(MD).No.17336 of 2021

ORDER

Through the impugned orders, dated 15.09.2021 and 16.09.2021, the petitioner herein, who was working as a Block Resource Teacher Educator at Tirunelveli, was transferred to the Government Higher Secondary School, Kurichi, Nagapattinam.

2. It is stated that the petitioner herein is yet to join in the transferred post. The learned counsel for the petitioner submitted that under G.O(1D)No.134 School Education (pa.ka.5) (1) Department, dated 18.08.2021, the employees, whose spouse had expired after 01.06.2020, could be exempted from being transferred in the regular general counselling of transfer and retain in the same post. According to the petitioner, her husband had expired on 31.05.2021 and therefore, she would be entitled to the benefit of the above G.O., to be retained in the same place and consequently, the impugned order of transfer requires to be interfered with. According to the petitioner, in the representations made to the respondents, she had brought to their notice about the death of her husband and in spite of the same, the present impugned order of transfer has been passed.

3. Apparently, the petitioner herein, who had lost her husband after 01.06.2020, would be entitled for the benefit of the Government Order in



W.P.(MD).No.17336 of 2021

G.O(1D)No.134 dated 18.08.2021 and therefore, the respondents may not be justified in transferring her to Nagapattinam. In this background, it would be appropriate to direct the fifth respondent / the Joint Director of School Education to re-consider the case of the petitioner in the light of G.O(1D)No.134 School Education (pa.ka.5) (1) Department, dated 18.08.2021.

4. Accordingly, liberty is hereby granted to the petitioner to make a fresh application to the fifth respondent herein seeking for retention in the same post of Block Resource Teacher Educator, Tirunelveli or to any other vacancy within the District. On receipt of such an application, the fifth respondent shall consider the same without reference to the earlier orders of transfer / relieving order, dated 15.09.2021 and 16.09.2021 and pass appropriate orders in accordance with law, within a period of one (1) week from the date of receipt of a fresh application.

5. This Writ Petition stands allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.07.2022

Index : Yes / No
Internet : Yes/ No
Lm



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W.P.(MD).No.17336 of 2021

M.S.RAMESH, J.

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W.P.(MD).No.17336 of 2021

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