



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18979 of 2021

and

W.M.P (MD) .No.15784 of 2021

G.Tamilmalar

... Petitioner

Vs.

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

2.The State Project Director,
Sarva Siksha Abiyan, DPI Campus,
Chennai-600 006.

3.The Director,
School Education Department,
DPI Complex, College Road,
Chennai-600 006.

4.The Joint Director (Personnel),
School Education Department,
DPI Complex, College Road,
Nungambakkam, Chennai-600 006.

5.The Chief Education Officer/District Co-ordinator,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 3 to 5 herein to include the petitioner name under Spouse Priority category in the list of seniority published by the fourth respondent for enabling the petitioner to participate in the transfer counselling for Block Resource Teaching Educator-2021 which is scheduled to be held on 20.10.2021 by considering the representation of the petitioner dated 15.10.2021 for considering any one of the existing vacancies in the post of Block Resource Teacher Educator in Ramanathapuram District.



For Petitioners : Mr.C.Gangai Aamaran
For Respondents : Mr.G.V.Vairom Santhosh
Additional Government Pleader

O R D E R

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The relief sought for in the present Writ Petition is to direct the respondents 3 to 5 to include the petitioner name under Spouse Priority category in the list of seniority published by the fourth respondent for enabling the petitioner to participate in the transfer counselling for Block Resource Teaching Educator-2021 which is scheduled to be held on 20.10.2021 by considering the representation of the petitioner dated 15.10.2021.

2. The petitioner is working as Block Resource Centre Officer and she made an application seeking transfer on the ground that her husband is working as B.T.Assistant at Sikkal. The grievance of the petitioner is that her request application was not considered and she was not permitted to participate in the counselling.

3. The learned Additional Government Pleader objected the said contention by stating that the petitioner had participated in the transfer counselling and opted to serve at Ramanathapuram District. The details in this regard are narrated at paragraph No.7 of the counter affidavit which reads as under:-

7.It is submitted that the petitioner on the basis of the application given by him, participated in the counselling on 20.10.2021. At the time counselling, he chose the place of transfer. Accordingly, the petitioner was transferred to the Block Resource Centre, Mandapam Ramanathapuram District, under non-priority category in an order dated 20.10.2021 vide Na.ka.No.41779/C4/E1/2021 of the Joint Director of School Education (Personnel) Chennai. Consequently, she was relieved from the old station on the F.N. Of 21.10.2021 in an order dated 21.10.2021 vide Na.Ka.No.154/O.Pa.Ka./Va.Va.Mai/TPL/2021 of the Supervisor, BRC Thirupullani. Having participated in the transfer counselling selected a place and accepted the order of transfer and got relieved from the old station, now turning back and challenging the orders is not acceptable. This sort of capricious tendency on the part of the petitioner is not appreciated. The petitioner has filed this writ petition on the wrong presumption that the transfer is ordered merely on the basis of seniority. In this stage, she cannot challenge the decision of the Government for the simple reason that she was not given a transfer to a place of which the petitioner is now preferring.



4. In view of the fact that the petitioner had already participated in the transfer counselling and transfer is being incidental to service, more so, a condition of service, the petitioner cannot claim any right in respect of such transfer and posting. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary to Government,
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Chennai-600 009.
- 2.The State Project Director,
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- 3.The Director,
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DPI Complex, College Road,
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- 4.The Joint Director (Personnel),
School Education Department,
DPI Complex, College Road,
Nungambakkam, Chennai-600 006.
- 5.The Chief Education Officer/District Co-ordinator,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.SPL.GP (SR-17892[F] dated 11/04/2022)

W.P. (MD) No.18979 of 2021

08.04.2022

VR (CO)

KB(25.04.2022) 3P 7C