



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.19316 of 2021

and

W.M.P(MD)Nos.16071 and 16072 of 2021

M.Vijila Margaret : Petitioner
Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St, George, Chennai - 600 009.
- 2.The Commissioner of School Education,
College Road, Chennai - 600 006.
- 3.The State Project Director,
Samakarasiksha,
Chennai - 600 006.
- 4.The joint director of School Education (Personal),
College Road,
Chennai - 600 0006.
- 5.The Chief Educational Officer,
Madurai, Thallakulam,
Madurai District.
- 6.K.Ravi Ganesh
- 7.M.C.Chitra
- 8.C.Shantha : Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the fifth respondent Chief Educational Officer in Na.Ka.no.41779/C4/E1/2021, dated 20.10.2021 transferring the petitioner from Kottampatti to Virudhunagar and the consequential relieving order in Na.Ka.No.281/A1/2021, dated 20.10.2021, quash the same and direct the 5th respondent to give posting to the petitioner at BRC, Thirumangalam or in any other centre within 30 Kms from the petitioner's husband's place of work (Koodakovil Nadars Higher



Secondary Shool, Koodakovil, Madurai District in terms of G.O.(1D) No.134 School Education [Pa.Ka.5(1)] Department dated 18.08.2021.

For Petitioner : Mr.K.Ragatheesh Kumar
M/s.Isaac Chambers

For Respondents: Mr.VeeraKathiravan,
1 to 6 Additional Advocate General
assisted by
Mr.S.Saji Bino,
Special Government Pleader

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ORDER

The writ petition is filed challenging the transfer order of the petitioner.

2.The learned Counsel for the petitioner submitted that the petitioner has applied for transfer under spouse category to Thirumangalam. However, she has been transferred from Kottampatti to Virudhunagar.

3.Now the learned Counsel for the petitioner submits that there is a vacancy in Thirumangalam in Madurai District and therefore, the learned Counsel confines the relief for a direction to the respondents to consider the request of the petitioner for posting her at Thirumangalam, Madurai and the petitioner has also produced a certificate that her husband is working at Madurai for considering her case under spouse category.

4.In response to the above, the learned Additional Advocate General submits that it has to be ascertained as to whether there is vacancy in Thirumangalam as claimed by the petitioner and seeks time to file counter. He further submits that the petitioner has during the transfer counselling opted Virudhungar and therefore, she cannot now question the said transfer and attribute any *mala fide*.

5.This Court has paid its anxious consideration to the rival submission and perused the materials.

6.The counter is yet to be filed. However, the petitioner has confined the prayer for consideration of her case for transfer to the existing vacancy place at Thirumangalam under spouse category.

7.In view of the above, this writ petition is disposed of with a direction to the respondents to consider the request of the petitioner for transferring her at Thirumangalam, Madurai district,



if there is vacancy as claimed by the petitioner and if she is eligible under spouse category within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

To

- 1.The Principal Secretary,
Department of School Education,
Fort St, George, Chennai - 600 009.
- 2.The Commissioner of School Education,
College Road, Chennai - 600 006.
- 3.The State Project Director,
Samakarasksha, Chennai - 600 006.
- 4.The joint director of School Education (Personal),
College Road, Chennai - 600 0006.
- 5.The Chief Educational Officer,
Madurai, Thallakulam,
Madurai District.

+1 CC to M/s.K.RAGATHEESH KUMAR (ISAAC CHAMBERS), Advocate (SR-3628 [F] dated 02/02/2022)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-3852[F] dated 03/02/2022)

+1 CC to M/s.SPL.GP (SR-3958[F] dated 03/02/2022)

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