



WEB COPY

W.P (MD) Nos.19318 and 19319 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD) Nos.19318 and 19319 of 2021

and

W.M.P (MD) Nos.16088,16092 and 16098 of 2020

N.Radha Gowri : Petitioner in both Wps
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.

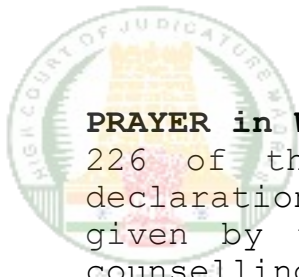
4.The joint director of School Education (Personal),
College Road,
Chennai - 600 0006.

5.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

6.The Chief Educational Officer,
Madurai, Tallakulam,
Madurai District.

7.C.Panchavarnam : Respondents in Both WPs

PRAYER in W.P (MD) No.19318 of 2021: 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 Sivakasi to Ariyalur and the consequential relieving order in Na.Ka.No.1158/A2/O.Pa.Ka/2021, dated 20.10.2021, quash the same and direct the 5th and 6th respondents to give posting to the petitioner at BRC, Sedapatti or in any other centre within 30 Kms from the petitioner's husband's place of work (Panchayat Union Primary School, M.Puliyamkulam, Madurai District) in terms of G.O. (1D) No.134 School Education [Pa.Ka.5(1)] Department dated 18.08.2021.



PRAYER in W.P (MD) No.19319 of 2021: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of declaration declaring the transfer and posting of the 7th respondent given by the 6th respondent Chief Educational Officer during the counselling for BRTes on 20.10.2021 as illegal, null and void and contrary to G.O.(1D) No.134, School Education [Pa.Ka.5(1)] Department dated 18.08.2021 and further direct the 5th and 6th respondents to give posting to the petitioner at BRC, Sedapatti or in any other centre within 30 KMS from the petitioner's husband's place of work (Panchayat Union Primary School, M.Puliyamkulam, 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
For Respondents : Mr.VeeraKathiravan,
1 to 6 Additional Advocate General
assisted by
Mr.S.Saji Bino,
Special Government Pleader
in both WPs

COMMON ORDER

These petitions are filed challenging the transfer order of the petitioner and the seventh respondent.

2.The learned Counsel for the petitioner submitted that the petitioner has applied for transfer under spouse category to Madurai. However, she has been transferred from Sivaksi to Ariyalur and a Teacher, who is working in Dindigul has been accommodated in Madurai.

3.Now the learned Counsel for the petitioner submits that there is a vacancy in T.Kallupatti 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 T.Kallupatti in Madurai and the petitioner has also produced 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 T.Kallupatti as claimed by the petitioner and seeks time to file counter. He further submits that the petitioner has during the transfer counselling opted Ariyalur 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 T.Kallupatti on spouse category.

7.In view of the above, these writ petitions are disposed of with a direction to the respondents to consider the request of the petitioner for transferring her at T.Kallupatti, 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.

Sd/-

Assistant Registrar (Records)

// 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,
Samakarasiksha, Chennai - 600 006.
 - 4.The joint director of School Education (Personal),
College Road, Chennai - 600 0006.
 - 5.The Chief Educational Officer,
Virudhunagar, Virudhunagar District.
 - 6.The Chief Educational Officer,
Madurai, Tallakulam, Madurai District.
- +2 CC to M/s.ISAAC CHAMBERS, Advocate (SR-3626,3629[F] dated 02/02/2022)
- +1 CC to M/s.SPL.GP (SR-3959[F] dated 03/02/2022)

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