



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.19867 of 2021

and

W.M.P. (MD) No.16585 of 2021

K.Vidhyasakar

... Petitioner

-Vs-

1. The Joint Director,
Tamil Nadu Education Department,
Chennai - 600 006.

2. The Chief Education Officer,
Theni District,
Theni.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the impugned transfer order passed by the 1st respondent vide Na.Ka.No.14779/C4/E1/2021 dated 20.10.2021 and quash the same as illegal and consequently direct the respondents to conduct re-counseling for transfer of BRTes for the academic year 2020-2021.

For Petitioner

: Mr.V.Angusamy

For Respondent

: Mr.G.V.Vairam Santhosh,

Additional Government Pleader

O R D E R

The order of transfer transferring the writ petitioner from BRC - Chinnamanur to BRC - Oddanchathram, is under challenge in the present writ petition.

2. The learned Additional Government Pleader made a submission that the petitioner participated in the transfer counselling on 20.10.2021 and as per the option exercised, the order of transfer has been issued.

3. The learned Additional Government Pleader relied on para 5 of the counter affidavit filed by the respondents, which reads as follows:-

"5. It is submitted that the petitioner on the



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basis of the application given by him, participated in the counseling on 20.10.2021. At the time of counseling, he chose Ottanchatram Block Centre. Accordingly, the petitioner was transferred to the Block resource Centre, Ottanchatram, Dindigul District, under non priority category in an order dated 21.10.2021 vide Na.Ka.No.41779/C4/E1/2021 of the Joint Director of School Education (Personnel) Chennai. Consequently, he was relieved from the old station on the F.N. Of 21.10.2021. Having participated in the transfer counseling 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 an healthy habit. 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 the seniority. In this stage he cannot challenge the decision of the Government for simple reason that he was not given a transfer to a place of which the petitioner is now preferring."

4. Therefore, this Court is of the considered opinion that the petitioner cannot turn around and seek some other place by way of filing the writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

1. The Joint Director,
Tamil Nadu Education Department, Chennai - 600 006.
 2. The Chief Education Officer,
Theni District, Theni.
- +1 CC to M/s.SPL GP (SR-14339[F] dated 24/03/2022)

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and

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SVS (CO)

KB (04.04.2022) 2P 4C