



WEB COPY



W.P.No.2634 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2634 of 2023

S.Shyamkumar

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Krishnagiri District.

3.The District Educational Officer,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner by directing the respondents to strictly fill up the vacancies in the post of B.T. Assistant



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(Mathematics) in the two schools, viz., Panchayat Union Middle School, Sembadamuthur and Panchayat Union Middle School, Mellerikottai, in Krishnagiri Block by conducting transfer counseling alone as mandated by the order of the Division Bench, Madurai Bench of Madras High Court in WP.No.(MD).No.23772 of 2018 or in the alternative consider the fact that the petitioner has been working in the present station for a period of 7 years in the hilly area to accommodate the petitioner in either of the two vacancies in Panchayat Union Middle School, Sembadamuthur or Panchayat Union Middle School, Mellerikottai, in Krishnagiri Block.

For Petitioner : Mr.Kabilesh

For Respondents : Ms.M.Jayanthi
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to consider the representation made by the petitioner, wherein the petitioner has sought for accommodating him in the vacancies at Panchayat Union Middle School, Sembadamuthur or in the alternative Panchayat Union Middle School, Mellerikottai, at Krishnagiri District.



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2.The case of the petitioner is that the petitioner was promoted as a B.T. Assistant (Mathematics) with effect from 17.09.2014 and he was posted at Panchayat Union Middle School, Ekkalanatham. This School is situate in a hilly area and the petitioner is continuing in the School for more than seven years.

3.The petitioner therefore made a representation to permit him to participate in the transfer counseling and to transfer the petitioner to some School in the plains.

4.The grievance of the petitioner is that the respondents are not conducting any transfer counseling and they are transferring the teachers at their own whims and fancies and the representation made by the petitioner is also not considered and as a result, the petitioner is forced to continue in the School in a hilly area for more than seven years and left with no other alternative, the present Writ Petition has been filed.

5.Heard Mr.Kabilesh, learned counsel appearing for the petitioner and Mrs.M.Jayanthi, learned Additional Government Pleader, appearing for the respondents.



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6. In the considered view of this Court, the petitioner is entitled

to be considered for transfer to a School in the plains since he has served in a hilly area for more than seven years. There is already a procedure that has been prescribed in G.O.Ms.No.404, dated 25.05.1995 to conduct transfer counseling for the purpose of accommodating the teachers. The petitioner has also made a representation in this regard on 11.01.2023.

7. In the light of the above, there shall be a direction to the 3rd respondent to consider the representation made by the petitioner on 11.01.2023 and accommodate the petitioner in the vacancies that are available at Panchayat Union Middle School, Sembadamuthur or in the alternative Panchayat Union Middle School, Mellerikottai, at Krishnagiri District. It is left open to accommodate the petitioner in any other School in the plains. This exercise shall be completed by the 3rd respondent within a period of six weeks from the date of receipt of a copy of this order.

8. The petitioner is directed to make a fresh representation to the 3rd respondent along with all the relevant documents and also a copy of this order.



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With the above direction, this Writ Petition is disposed of. No

costs.

31.01.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
mps

To

1.The Director of Elementary Education,
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2.The Chief Educational Officer,
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N. ANAND VENKATESH, J.

mps

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