



WEB COPY



WP.No.10112 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.10112 of 2022
and W.M.P.No.21844 of 2023

K.Mahalakshmi

.. Petitioner

Versus

1.The Secretary to Government
School Education Department
Government of Tamil Nadu
Fort St.George, Chennai – 600 009

2.The Secretary to Government
BC-MBC Welfare Department
Government of Tamil Nadu
Fort St.George, Chennai – 600 009

3.The Commissioner
School Education Department
College Road, Chennai – 600 006

4.The Commissioner
Kallar Reclamation, BC-MBC Department
Chepauk, Chennai – 600 005

5.The Joint Director
Kallar Reclamation Department
Madurai – 625 001

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the entire



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records of the fourth respondent vide Na.Ka.No.B1/1777/2022 dated 18.04.2022 and quash and subsequently to direct the 4th respondent to issue a No Objection Certificate to participate in the unit transfers.

For Petitioner : Mr.J.Harikrishna

For Respondents : Mr.M.Alagu Goutham
Government Advocate

ORDER

Though this writ petition has been filed challenging the proceedings of the fourth respondent in Na.Ka.No.B1/1777/2022 dated 18.04.2022, quash the same and subsequently, direct the fourth respondent to issue a No Objection Certificate to participate in the unit transfers.

2. Now, a Miscellaneous Petition has been filed by the petitioner in W.M.P.No.21844 of 2023. It is the grievance of the writ petitioner in the said Miscellaneous Petition that the Government Order in G.O.Ms.No.73, Backward Classes, Most Backward Classes and Minorities Welfare (BCIII) Department dated 25.08.2022, wherein, in clause 4, the general guidelines regarding No Objection Certificate (NOC) is stated as follows:

"...(4) The transfer may be allowed to the P.G.Assistants/B.T teachers of Kallar Reclamation schools at the discretion of the Head of the Department only in the following three contingencies.

(i) Taking into account the welfare of Kallar Reclamation



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school students who are educationally backward, NOC will be issued to teachers who have submitted mutual transfer applications subject to the discretion of the Head of the Department

(ii) The teachers will be given NOC based on Medical grounds after taking consideration the following conditions on priority basis as mentioned in the G.O (D) No.21, BC, MBC and MW department, dated 29.03.2022 by the Head of the Department.

- a) The teachers with 100% Blindness.*
- b) The teachers who have undergone Kidney transplantation surgery and undergoing Dialysis treatment.*
- c) The teachers who have undergone Heart surgery and brain tumor surgery.*
- d) The teachers with severe cancer disease.*
- e) The teachers with 40% disability as certified by the district differently abled welfare officer.*
- f) The teachers having a child with mental disability or physical disability over and above 40% as, certified by the district differently abled welfare officer.*

(iii) The number of teachers who have obtained NOC from Directorate of School Education or other Department's schools seeking transfer to Kallar Reclamation schools, the same number of teachers in the respective subjects in Kallar Reclamation schools will be issued NOC in order to be transferred to the respective department on seniority based on the date of application subject to the discretion of the Head of the Department in the interest of the welfare of the students of Kallar schools who are educationally backward."

Based on the above, a teacher namely Mr.N.Kasiraj has given an application for mutual transfer from Tiruppur to the petitioner School. Hence, it is the contention that she should be transferred on mutual transfer as per the above Government Order.

3. The learned Government Advocate submitted that the mutual transfer



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application will be considered on its own merits.

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4. Heard both sides and perused the materials placed on record. As rightly pointed out, transfer is allowed on the basis of mutual application by issuing No Objection Certificate to the petitioner subject to the discretion of the Head of Department.

5. Hence, there shall be a direction to the respondents to issue the No Objection Certificate by considering the transfer of mutual consent. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

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Internet: Yes/No

Neutral Citation: Yes/No



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N.SATHISH KUMAR, J.



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