



WP No.25278 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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- 1.M.Vazhumuni
- 2.M.Muralidasan
- 3.M.Puttalai
- 4.J.Guberan
- 5.E.Idhyavendhan
- 6.P.Bally Viay
- 7.N.Sadhish
- 8.G.Thamizhvendan
- 9.G.Ranjini
- 10.N.Srilakshmi
- 11.R.Sonia
- 12.A.Nirmaladevi
- 13.N.Saroja
- 14.R.Nalini
- 15.M.Jeevitha
- 16.S.Patchaiyammal
- 17.N.Rajesh
- 18.A.Gomadhii
- 19.R.Poornima
- 20.A.Martial
- 21.B.Angel Regi
- 22.S.Shalini
- 23.R.Gurunathan
- 24.K.Bharathi
- 25.G.Rajkumar



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26.K.Balaji
27.S.Indra Priyadharshini
28.R.Kumari
29.P.Senthamizhselvi
30.D.Bharathi
31.P.Logeshwari
32.P.Sinnarasu
33.P.Selvi
34.M.Nithilavalli
35.G.Megaladevi
36.R.Uma Maheshwari
37.K.Purushothaman
38.S.Anandhababu
39.R.Sridhar

... Petitioners

versus

- 1.The Union Territory of Puducherry,
Respresented by its Secretary,
Education Department.
- 2.The Director of School Education,
Perunthalaivar Kamaraj Centenary,
Education Complex,
100 Feet Road, Anna Nagar,
Nellithope,
Puducherry - 605 005.
- 3.The Deputy Director (Administration),
Directorate of School Education,
Government of Puducherry,
Puducherry.
- 4.The Registrar,
Central Administrative Tribunal,
Chennai Bench,
City Civil Court Building Chennai,
Chennai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the order passed in O.A.No.310/00647/2023, by the Learned Central Administrative Tribunal, Chennai Beach, dated 16.08.2023, and quash the same and further direct the third respondent duly follow the methodology adopted in clause 7 and clause 8 of the circular dated 26.06.2023, for preparing the entitlement list, for implementing the transfer for the primary school teachers, working in School Education Department.

For Petitioners	: Mr.B.Balavijayan
For Respondents	: Mr.Syed Mustafa Special Government Pleader for respondent Nos.1 to 3 R4- Tribunal

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

By consent of parties, this Writ Petition is taken up for final disposal.

2. Learned counsel for the petitioner would submit that the petitioners have filed O.A.No.310/00647/2023, before the Tribunal seeking a direction to the respondents to strictly follow the methodology adopted in Clause 7 and Clause 8 of the Circular dated 26.06.2023, for preparing the entitlement list, for implementing the

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transfer for the Primary School teachers, working in school education department. The Tribunal, by order dated 16.08.2023, without taking note of the aforesaid prayer, had dismissed the said O.A. on the ground that the petitioners had approached the Tribunal immediately within 10 to 12 days after submitting the representation. Aggrieved by the said order dated 16.08.2023, passed by the Tribunal, the petitioner have filed the present writ petition.

3. We have carefully perused the prayer as sought for by the petitioners in the said O.A. The prayer in the O.A. is not for seeking a direction to consider the representation of the petitioners. The petitioners' prayer in the O.A, for strictly following the methodology adopted in Clause 7 and Clause 8 of the Circular dated 26.06.2023, for preparing the entitlement list, for implementing the transfer for the Primary School teachers, working in school education department.

4. We are of the view that when such being the prayer in the O.A, the reason as stated in the order dated 16.08.2023, passed by the Tribunal is liable to be interfered with. Therefore, we are inclined to interfere with the order passed by the Tribunal.



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5. Learned Special Government Pleader for the respondent Nos.1 to 3, submitted that considering the prayer in the O.A, undertakes to file counter-affidavit in the aforesaid O.A. on behalf of the respondent Nos. 1 to 3, within a period of four weeks' time. Hence counter-affidavit to be filed by the respondents within a period of four weeks from the date of receipt of a copy of this order.

6. In view of the above, the writ petition stands allowed and consequently the order dated 16.08.2023 of the Tribunal is set aside and the matter is remitted back to the Tribunal to consider the O.A.No. 310/00647/2023 afresh and pass orders, on its own merits, at the earliest. There will be no order as to costs. Consequently, WMP No.24686 of 2023, is closed and WMP No.24685 of 2023, is ordered.

[D.K.K., J.] [P.B.B., J.]
28.08.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



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D.KRISHNAKUMAR, J.
and
P.B. BALAJI

(mrn)

To

- 1.The Secretary,
The Union Territory of Puducherry,
Education Department.
- 2.The Director of School Education,
Perunthalaivar Kamaraj Centenary,
Education Complex,
100 Feet Road, Anna Nagar,
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Chennai Bench,
City Civil Court Building Chennai,
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