



W.P(MD)No.6357 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6357 of 2023
and
W.M.P(MD)Nos.6015 & 6018 of 2023

M.Leon Suganthi

... Petitioner

Vs

- 1.The Commissioner of School Education,
EVK Sampath Maaligai,
DPI Campus,
College Road,
Nungampakkam,
Chennai – 600 006.
- 2.The Joint Director of School Education (Personnel),
EVK Sampath Maaligai,
DPI Campus,
College Road,
Nungampakkam,
Chennai – 600 006.
- 3.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.



W.P(MD)No.6357 of 2023

4. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order bearing Na.Ka.No.060673/C4/E1/2022 dated 19.10.2022 issued by the second respondent and quash the same and consequently direct the respondents to accommodate the petitioner as Block Resource Teacher (Tamil) in the vacancy in Kariapatti Block Resource Centre, Virudhunagar District or in the vacancy of District Organizer in Virudhunagar District.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner was appointed as Block Resource Teacher Educator on 24.10.2008. She was posted at Aruppukottai. She was later transferred to Kariapatti Block Resource Centre. The petitioner was working in Virudhunagar District till 2021. In the year 2021, the petitioner was transferred and posted as BT Assistant, Thoothukudi District.



W.P(MD)No.6357 of 2023

WEB COPY

3. The petitioner filed W.P(MD)No.20037 of 2021 challenging the said order whereby she was transferred to Thoothukudi District. The said writ petition was disposed of on 18.08.2022 in the following terms:

“Though the petitioner herein had challenged the orders of transfers of the respondents 6 and 7, the learned counsel for the petitioner submitted that he will be satisfied, if his request for transfer to some other place in Virudhunagar District, is directed to be considered by the respondents. In this regard, the petitioner has given a representation on 22.11.2021 to the fourth respondent herein.

2. In view of the limited prayer sought for and without going into the merits of the claim made by the petitioner in his representation dated 22.11.2021, there shall be a direction to the fourth respondent herein to consider the representation of the petitioner dated 22.11.2021, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.”

Pursuant to the said direction, the impugned order dated 19.10.2022 came to be passed negating the petitioner's request. Challenging the same, the present writ petition came to be filed.

\



W.P(MD)No.6357 of 2023

WEB COPY

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petitioner and called upon this Court to set aside the impugned order and grant relief as prayed for.

5. The learned counsel placed specific reliance on the order dated 05.01.2022 made in W.P(MD)No.22688 of 2021 (*M.Gokila Vs State of Tamil Nadu & Others*).

6. The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents. He submitted that the impugned order does not warrant interference.

7. I carefully considered the rival contentions and went through the materials on record.

8. It is true that a group of Block Resource Teacher Educators filed writ petition and as a result they not only had hold on the transferred place but also on the original place where they were working. It is true that the choice open to the petitioner came to be limited at the time of counselling. On this ground,



W.P(MD)No.6357 of 2023

this Court will not be justified in interfering with the impugned order. The petitioner was not successful in her challenge to the order of transfer.

9. When the matter was taken up for hearing the petitioner submitted that she would be satisfied if her request for accommodating in Virudhunagar District is considered. It is true that this Court gave a direction to the authority to consider the petitioner's request. But such direction cannot be construed as positive direction to consider that the petitioner's request favorably. I go to the extent of adding that in the facts and circumstances of this case it would not furnish a fresh cause of action to initiate a second round of litigation. The petitioner cannot insist that she will be retained only in Virudhunagar District or in a nearby District. The petitioner does not have any legal right as such. This Court will not be justified in interfering in the matter.

10. This writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.04.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



W.P(MD)No.6357 of 2023

To

1. The Commissioner of School Education,
EVK Sampath Maaligai,
DPI Campus,
College Road,
Nungampakkam,
Chennai – 600 006.
2. The Joint Director of School Education (Personnel),
EVK Sampath Maaligai,
DPI Campus,
College Road,
Nungampakkam,
Chennai – 600 006.
3. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.
4. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.



WEB COPY



W.P(MD)No.6357 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.6357 of 2023
and
W.M.P(MD)Nos.6015 & 6018 of 2023

26.04.2023