



W.P.(MD)No.10529 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10529 of 2023

and

W.M.P(MD)No.9350 of 2023

T.Ajantha Valan Arasi

... Petitioner

Vs

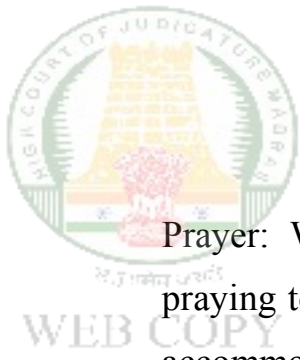
1.The Commissioner of School Education,
EVK Sampath Maaligai, DPI Campus,
College Road,
Nungampakkam,
Chennai – 600 006.

2.The Director of School Education,
EVK Sampath Maaligai, DPI Campus,
College Road,
Nungampakkam,
Chennai – 600 006.

3.The Joint Director of School Education (Personnel),
EVK Sampath Maaligai, DPI Campus,
College Road,
Nungampakkam,
Chennai – 600 006.

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

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to transfer and accommodate the petitioner in anyone of the vacancies in Kanyakumari District either on the basis of administrative transfer or on the basis of deputation by considering her representation dated 17.03.2023 and in compliance with the order passed by this Court in WP(MD).No.938 of 2022 dated 21.01.2022.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner was appointed as Block Resource Teacher Educator by the third respondent vide proceedings dated 14.07.2006. She was working in Moonchirai Block Resource Centre in Kanyakumari District. In 2021, many such Block Resource Teacher Educators were transferred and posted as BT Assistants. Similarly placed persons mounted the challenge but it was unsuccessful. The petitioner was transferred and posted as BT Assistant in Virudhunagar District. She now wants to go back to Kanyakumari District as BT Assistant. General counselling has taken place on 13.05.2023 for BT Assistants.



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3. The learned counsel appearing for the petitioner draws my attention to the earlier order dated 21.01.2022 made in W.P(MD)No.938 of 2022 filed by the petitioner herein, in which, a concessional statement given by the Special Government Pleader was taken note of. A learned Judge had observed that all Block Resource Teachers transferred as BT Assistants would be entitled for preference during the general counselling. The petitioner has given a representation on that basis. All that the petitioner wants is consideration of the representation by the third respondent.

4. In normal circumstances, this Court would not hesitate to issue the direction sought for. But the learned Additional Government Pleader strongly opposes granting any such direction as prayed for by the petitioner. I do find considerable merit in the objection raised by the learned Additional Government Pleader. The petitioner was posted as BT Assistant hardly 1 ½ years ago. I take judicial notice of the fact that transfers are done only in respect of those employees who have put in about three years of service in a station. The person who has put in 1 ½ years of service ought not to insist that she should be allowed to take part in the general transfer counselling. In this case, the petitioner is seeking twin rights. Right to participate in the counselling and right to be given preferential treatment.



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5. I am conscious of the observations made in the earlier writ petition filed by the petitioner herein. If according to the petitioner, there has been a breach of any judicial direction, the remedy open to the petitioner is something else. I am not satisfied that a case for directing consideration of the petitioner's representation has been made out.

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

28.04.2023

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

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G.R.SWAMINATHAN, J.

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