



W.P(MD)No.11280 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.11280 of 2023

and

W.M.P(MD) Nos.9848 and 9847 of 2023

S.Udhayakumar

... Petitioner

Vs.

1. The Commissioner,
School Education, DPI Campus,
Chennai 600 006.

2. The Joint Director (Higher Secondary),
School Education, DPI Campus,
Chennai 600 006.

... 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 records relating to the impugned proceeding vide Na.Ka.No. 21243/C3/E1/2623 dated 26.04.2023 issued by the 1st respondent and quash the relevant clause in serial Nos.6 and 9 of the schedule so far as relating to general transfer counseling for Higher Secondary School Headmasters is concerned and consequently directing the respondents not to conduct general counseling unit issuing the panel list of Post Graduate Assistant for the academic year 2021-2022 to be promoted to the post of Higher Secondary School Head Master.



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For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed, seeking to quash the impugned proceedings of the first respondent, dated 26.04.2023 made in Na.Ka.No. 21243/C3/E1/2623, on the ground that the respondents without conducting promotion counseling, hurriedly conducted the transfer counseling. Challenging the same, the present writ petition has been filed by the petitioner.

2. Learned counsel appearing for the petitioner would submit that for conducting promotion counseling for granting promotion to the eligible persons, the petitioner has already filed a writ petition before this Court in W.P. (MD) No.867 of 2023 and this Court, disposed of the same by directing the first respondent to consider the representation of the petitioner for conducting the promotion counseling. Since the said order of this Court has not been complied with, the petitioner filed contempt petition in Cont.P.(MD) No.592 of 2023. Pending the contempt petition, the first respondent hurriedly passed the impugned order dated 26.04.2023.



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3. He would further submit that if the promotion counseling is conducted, the petitioner would be entitled for promotion to the post of Higher Secondary School Head Master and subsequently, he would be entitled to participate in the transfer counseling. However, that opportunity was denied to the petitioner as well as the similarly placed persons.

4. Per contra, learned Special Government Pleader appearing for the respondents would submit that the transfer counseling is conducted as per the request made by the teachers, who are working in a different category in the State and the transfer order will be passed in the transfer counseling only by way of consent and it will not be passed on the administrative grounds. Hence, he prayed for the dismissal of this writ petition.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. In order to facilitate the teachers to opt for convenient places, by way of transfer counseling, the present impugned order has been issued. The petitioner claims that he is entitled for promotion, however, his request for promotion was not considered by conducting promotion counseling. This Court



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by its order dated 12.01.2023 in W.P.(MD)No.867 of 2023 has issued a direction to the first respondent to consider the petitioner's representation for conducting promotion counseling and the same was not considered. Aggrieved over the same, the petitioner has filed the contempt petition, which is also pending before this Court. However, the grievance of the petitioner is misconceived. The promotion counseling is different from the transfer counseling. The transfer counseling is conducted every year in order to facilitate the teachers for seeking transfer for their convenient places and without their consent, the transfer order will not be passed. If at all the petitioner is aggrieved, he shall not participate in the transfer counseling. However, stalling the transfer counseling is not sustainable. Hence, the prayer as sought for cannot be granted.

7. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.05.2023

Index :Yes/No
Internet :Yes/No
pkn/lm



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To: -

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Chennai 600 006.
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M.DHANDAPANI, J.

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