



W.P.No. 1064 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.1064 of 2024
and
W.M.P.Nos.1126 & 1127 of 2024**

S. Jayashankari Petitioner

Vs

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

2. The Director,
School Education Department,
Fort St.George, Secretariat,
Chennai – 600 009.

3. The Joint Director (Personnel),
DPI Complex, School Education,
Anbalagan Campus,
Nungambakkam,
Chennai – 600 034.

4. The Chief Educational Officer,
Office of the Chief Education Office,
Thiruvallur District – 602 001.

5. C.Prokodi Respondents



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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 culminating in impugned order passed by the fourth respondent bearing proceedings in Na.Ka.No.69185/M/E3/2024 and quash the same as illegal and consequently issue necessary direction to the fourth respondent to transfer and post the petitioner in Lady Wellington School at Triplicane, Chennai District as Physical Education Teacher.

For Petitioner	: Mrs. Thilagavathi Senior Counsel for Mr.B.Sivaraman
For R1 to R4	: Mrs.S.Mythreye Chandru Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 04.01.2024 in Na.Ka.No.69185/M/E3/2023 passed by the fourth respondent, thereby transfer the fourth respondent to Lady Wellington School at Triplicane, Chenani as Physical Education Teacher.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record. Though notice has been served on the fifth respondent, none appeared on behalf of the fifth respondent either in person or through pleader.



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3. The petitioner was appointed as Physical Education Teacher on 26.11.2012 at Virudhunagar District. Finally she got transferred and posted as Physical Educational Teacher at Government Higher Secondary School at Thiruvellavoyal, Tiruvallur and she has been working in the said School for the past five years. As per Notification dated 03.01.2024, with regard to District wise seniority general transfer of Physical Education Teacher was held on 04.01.2024 in the office of the fourth respondent. The petitioner had applied for general transfer, since she is residing at Chennai. She was called for counselling for general transfer based on her seniority on 04.01.2024. Her turn came up at about 7.00 p.m on 04.01.2024. However, the petitioner was informed that there was no vacancy in Chennai and as such, no vacancy was shown in the system. Therefore, the petitioner had endorsed that she was not willing for any other option except for Chennai. However, on the same day at 8.00 p.m., his junior, viz., the fifth respondent, had participated in the counselling and she got transfer to Lady Wellington School at Triplicane, Chennai.



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4. Therefore, immediately, on 05.01.2024, the petitioner approached the respondents 3 and 4 herein and the petitioner was informed that there was manipulation caused at the counselling centre. Therefore, the petitioner submitted a representation to the fourth respondent to cancel the transfer order issued to the fifth respondent and transfer the petitioner to the said School. So far, the representation submitted by the petitioner has not been considered. Therefore, the petitioner challenges the order of transfer of the fifth respondent.

5. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that there was a technical error and as such, the place of Chennai was not shown in the system. While the fifth respondent came up for counselling, a vacancy in Chennai was shown and she got transferred to Chennai. She further submitted that as of now there is no vacancy and whenever any vacancy arises, the petitioner would be immediately accommodated as per the representation submitted by the petitioner.



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6. In view of the above submission, in the end of the Academic Year if there would be a vacancy in the Chennai District School to the post of Physical Educational Teacher, the case of the petitioner shall be considered by giving preference so as to enable the petitioner to work in Chennai District during the next Academic Year, as requested by the petitioner's representation dated 06.01.2024.

7. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

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Index: Yes/No
Speaking Order: Yes
Lpp

To
1. The Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.

2. The Director,
School Education Department,
Fort St. George, Secretariat,
Chennai – 600 009.



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3. The Joint Director (Personnel),
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4. The Chief Educational Officer,
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Thiruvallur District – 602 001.

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