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W.P.No.12751 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12751 of 2022 and
WMP.No.12209 of 2022

R.Vijaya Thanga Nirmala

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai 600 009
- 2.The Director of Elementary Education,
Directorate of School Education,
DPI Campus,
Egmore, Chennai 600 008
- 3.The Director,
Directorate of School Education,
DPI Campus,
Egmore, Chennai 600 008
- 4.The Chief Educational Officer,
Office of the Chief Educational Officer,
Chinna Ekkadu,
Jaya Nagar,
Thiruvallur 602 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the second respondent in



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Na.Ka.No.6989/D1/2022 dated 25.04.2022 and quash the same as illegal and consequently direct the respondents to transfer the 55 years aged widow woman Petitioner/Secondary Grade Teacher presently working in the Panchayat Union Primary School, Kadamancheri, Minjur Block, Thiruvallur District to any other School as Secondary Grade Teacher in Tirunelveli District or Kanyakumari District within the time stipulated by this Court.

For Petitioner : Mr.M.Purushothaman

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 25.04.2022 thereby directed to consider the request made by the petitioner at the time of counselling for inter district transfers.

2. The petitioner has been working as Secondary Grade Teacher in the Panchayat Union Primary School, Kadamancheri, Minjur Block, Tiruvallur District from 26.08.2016. Her husband unexpectedly passed away on 14.10.2017 due to ill health. Therefore, the petitioner



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being a widow applied for district to district transfer i.e. Tiruvallur to Tirunelveli district. Her representation was not considered and as such, the petitioner was constrained to file a writ petition before this Court in WP.No.23466 of 2021. This Court directed the respondents to consider the request made by the petitioner as per the guidelines issued by the Government in GO.(1D).No.129 School Education Department dated 09.05.2023 and GO.MS.No.176 School Education [(SE-5(1)) Department dated 17.12.2021.

3. On perusal of the order impugned in this writ petition dated 25.04.2022, there is a specific direction to the petitioner to obtain order of transfer in the counselling of interdistrict transfers. On perusal of the counter dated 17.06.2022, revealed that inter district transfer counselling for Secondary Grade Teachers under the control of Directorate of Elementary Education is deferred due to administrative reason and the date of conduct of General Counselling for inter-district transfers will be intimated in due course. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent dated 25.04.2022.



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4. However, if at all the petitioner is not transferred to her native district in the upcoming counselling, she is permitted to attend the counselling for inter-district transfers and the Directorate of Elementary Education is directed to consider the case of the petitioner positively and pass orders to transfer her to her native place.

5. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05.01.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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