



W.P.Nos.649 and 654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

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

W.P.Nos.649 and 654 of 2024
and W.M.P.Nos.668, 671, 673 and 674 of 2024

W.P.No.649 of 2024:-

E.Kumar

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai-9.
2. The Commissioner of School Education,
O/o. The Commissioner of School Educational Office,
DPI Compound,
Chennai.
3. The Director of School Education,
O/o. The Director of School Educational Office,
DPI Compound,
Chennai.
4. The State Project Director,
Samagra Shiksha,
(Integrated School Education),
State Project Directorate,
DPI Campus,
Chennai-6.



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5. The Joint Director School Education (Personnel),
O/o. The Joint Director School Educational Office,
Chennai-600 006.

6. The Chief Educational Officer,
O/o. The Chief Educational Office,
Tirupathur District,
Tirupathur.

7. The Supervisor,
Block Resource Centre,
Kandhili,
Tirupathur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating the impugned proceedings passed by the third respondent vide Na.Ka.No.41779 /C4/ E1 / 2021 dated 18.11.2023 and consequentially impugned order passed by the 6th respondent in his proceedings in Na.Ka.No.4961 / Aa3/ 2023 dated 18.11.2023 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar

For Respondents : Mr.K.H.Ravikumar
Government Advocate

W.P.No.654 of 2024:-

N.Selvi

...Petitioner

-Vs-



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O/o. The Chief Educational Office,
Ariyalur District.

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For Petitioner : Mr.H.Mohammed Imran

For Respondents : Mr.K.H.Ravikumar
Government Advocate

COMMON ORDER

Both the writ petitions have been filed challenging the very same order dated 18.11.2023 passed by the third respondent and the order passed by the 6th respondents dated 18.11.2023 and 22.11.2023, thereby ordered to relieve the persons who were already transferred pursuant to the order passed by the Hon'ble Division Bench of this Court in W.A.(MD).Nos.699 and 1196 of 2022, dated 07.11.2023, thereby upheld the G.O.(ID).No.134 dated 18.08.2021, thereby issued guidelines for transfer through counselling.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioners were initially appointed as Block Resource Teacher Educator through Teachers Recruitment Board. It also includes monitoring the teaching methodology of the Government and Aided schools upto the level of 8th standard. It is equivalent to the post of B.T.Assistant. While being so, the first respondent passed an order in G.O.ID.No.134, School Education



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(Pa.Ka.5(1)) department dated 18.08.2021, thereby framed guidelines for the purpose of transfer counselling in and by which under Clause 4(I)(c), ordered that all the posts are treated to be vacant post and it is only on that basis, the transfer counselling will be held. It would enable the candidates to participate in the transfer counselling as per their willingness. Accordingly, they had participated in deployment counselling for the year 2014-2015.

4. According to the petitioner, the candidates who had participated in the deployment counselling, that too as per their own consent, is not at all required to be given any kind of preference and the same will deprive the right of other eligible candidates. Therefore, they challenged the Government Order insofar as the Clause 4(I)(V) as illegal. In view of the interim order granted by this Court, the petitioners were permitted to participate in the counselling and choose a place, but should not be relieved from the present station. Accordingly, they had participated in the counselling and they were not relieved. In a batch of writ petitions, the Hon'ble Madurai Bench of this Court allowed the writ petitions by quashing clause 4(I)(V) and clause 4(III)(IX) of the G.O.ID.No.134, School Education (Pa.Ka.5(1)) department dated 18.08.2021. Therefore, according to the petitioners they have to conduct a fresh counselling for transfer.



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5. Aggrieved by the same, writ appeals were filed in W.A.(MD).Nos.699 and 1196 of 2022 by the State. The appeals were allowed and G.O.ID.No.134, School Education (Pa.Ka.5(1)) department dated 18.08.2021, was upheld. The writ appeals filed by the petitioners in W.A.(MD).Nos.2230 to 2242 of 2021 and 1966 of 2023 were dismissed. Pursuant to the interim order granted by the learned Single Judge of this Court, they were not relieved and now, the Government Order was upheld by the Hon'ble Madurai Bench of this Court, the petitioners were relieved by the order dated 18.11.2023. Accordingly, both the petitioners were relieved from their respective place.

6. In view of the above, this Court finds no infirmity or illegality in the orders passed by the third and sixth respondents and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, these writ petitions are dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

11.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J,

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