



WEB COPY

W.P(MD)No.14948 of :



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14948 of 2024

and

W.M.P.(MD)No.13111 of 2024

M.Ganesan

: Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus, Chennai 600 006.

2.The Chief Educational Officer,
O/o.The Chief Educational Office,
Dindigul, Dindigul District.

3.The District Educational Officer (Elementary)
O/o. The District Educational Office,
Oddanchatram, Dindigul District.

4.The Block Educational Officer – I,
O/o. The Block Educational Office,
Vadamadurai, Oddanchatram,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give preference to the petitioner at the time of general transfer counseling is scheduled to be held on 06.07.2024 as per G.O.(1D) No.297 School Education



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Department, dated 17.10.2013 within the period that may be stipulated by this Court.

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For Petitioner : Mr.S.Mohamed Suhail

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader.

ORDER

This Writ Petition has been filed seeking orders to give permission to the respondents to give preference to the petitioner at the time of general transfer counseling scheduled to be held on 06.07.2024 as per G.O.(1D) No. 297 School Education Department, dated 17.10.2013 within the period that may be stipulated by this Court.

2. The main contention of the petitioner is that Thangamapatty Panchayat Middle School, where the petitioner was working, was upgraded as High School and at that time, as per option of the petitioner, he was posted in the Kakkayanpatti Panchayat Middle School vide order, dated 04.08.2017 and that the petitioner is now by invoking G.O.(1D) No.297 School Education Department, dated 17.10.2013, seeking preference in the counselling.



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3. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents would submit that the petitioner's representation, dated 24.06.2024 was rejected by the third respondent vide order, dated 04.07.2024.

4. The learned Additional Government Pleader would further submit that the Government Order now sought to be invoked by the petitioner, is only applicable to the upgradation made from elementary school to middle school and not from the middle school to high school.

5. As rightly contended by the learned Additional Government Pleader, G.O.(1D) No.297 School Education Department, dated 17.10.2013, refers to the upgradation of Elementary School to Middle School and the Government Order came to be issued as per recommendation of the Director of Elementary Education and as such, the same cannot be applied in cases of upgradation from Middle School to High School.

6. At this juncture, the learned counsel for the petitioner would submit that he may be permitted to challenge the rejection order, dated 04.07.2024.



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7. No doubt, the order was not served on the petitioner, since the same came to be passed yesterday only (04.07.2024). Moreover, the counseling scheduled on 06.07.2024 (i.e., tomorrow), came to be fixed as early as on 22.06.2024, but the petitioner has approached this Court at the fag end i.e., he filed the petition yesterday, seeking permission to take part in the tomorrow counseling. Since the Government Order is not applicable, the petitioner is not entitled to get the relief claimed. Hence, the Writ Petition is dismissed. However, the petitioner is at liberty to challenge the order, dated 04.07.2024 passed by the third respondent, if so advised. Consequently, connected Miscellaneous Petition is closed. No costs.

05.07.2024.

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No
das



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K.MURALI SHANKAR, J

DAS

Order made in
W.P(MD)No.14948 of 2024
and
W.M.P.(MD)No.13111 of 2024

Dated 05.07.2024