



WP(MD). No.15682 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 12/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.15682 of 2024
and WMP(MD) No.13678 of 2024**

1.M.Sundaralakshmi

2.S.Maheswari

... Petitioners

Vs

1.State of Tamilnadu
Rep. by its Principal Secretary
School Education, Pa.Ka.5(1) Department
Fort St. George, Chennai 9

2. The Director of Elementary Education,
DPI Campus, Chennai

3. The Chief Educational Officer,
Virudhunagar District

4. The District Educational Officer (Elementary)
Sivakasi, Virudhunagar District

5.The Block Development Officer,
Watrap Union,
Virudhunagar District

... Respondents



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PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent No.4 to transfer the petitioners to the post of Secondary Grade Teachers in any of the vacant or need post within the parent union of the petitioners ie., Watrap Union in accordance with the Government order in G.O.(1D) No.217 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 and the order passed by this Court in WP(MD) No. 19520/2019 and batch dated 25.11.2019 within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondent : Mr.M.Siddharthan

Additional Government Pleader

ORDER

The writ petition has been filed for a mandamus to direct the respondent No.4 to transfer the petitioners to the post of Secondary Grade Teachers in any of the vacant or need post within the parent union of the petitioners ie., Watrap Union in accordance with the Government order in G.O.(1D) No.217 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 and the order passed by this Court in WP(MD) No. 19520/2019 and batch dated 25.11.2019 within the time period stipulated by this Court.

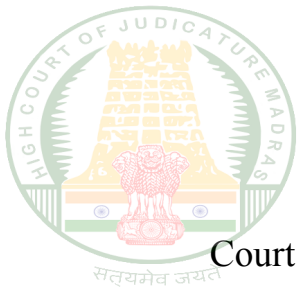


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2. Heard the learned counsel for the petitioners and learned Additional Government Pleader for the respondents.

3. By consent, the writ petition itself is taken up for final disposal.

4. The petitioners are working as Secondary Grade Teachers in the Watrap Union from the year 2007 and 2012 respectively. While so, they have been transferred from Watrap union to Kariyapatti Union vide order dated 24.02.2022 and since then, they are working in their transferred place. When similar such persons were transferred from their parent union to the other unions, they have filed batch of writ petitions in WP(MD) No.19520/2019 etc.,and this Court, vide order dated 25.11.2019, among other directions, directed the respondents that when a vacancy or need arises in the parent union, the teachers deployed from the said union must be given priority and must be redeployed to their parent union. Since vacancies arise in the parent union, the petitioners have given representations to consider them to their parent union pursuant to the said direction of this Court dated 25.11.2019. Since the said representation was not considered, the petitioners are before this



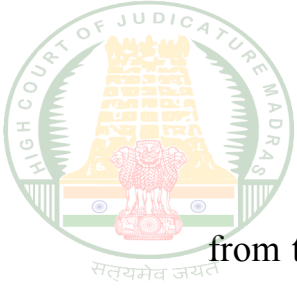
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Court with this writ petition.

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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioners representations dated 29.06.2024 on its own merits and pass appropriate orders in accordance with law and also considering the orders of this Court dated 25.11.2019 in WP(MD) No.19520/2019, within a period of four weeks



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from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioners and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is **disposed of**. No costs. Consequently connected Miscellaneous Petition is closed.

12.07.2024

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To

1. The Principal Secretary
School Education, Pa.Ka.5(1) Department
Fort St. George, Chennai 9

2. The Director of Elementary Education,
DPI Campus, Chennai

3. The Chief Educational Officer,
Virudhunagar District

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Virudhunagar District

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R.N.MANJULA,J

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**ORDER
IN
WP(MD) No.15682 of 2024**

Date : 12/07/2024