



WP(MD) No.16112 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.07.2024**

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD) No.16112 of 2024

D.Akila Nayagi

... Petitioner

Vs.

1. The Director of Elementary Education,  
Chennai – 600 006.

2. The District Educational Officer (Elementary),  
Kovilpatti,  
Thoothukudi District.

3. The District Educational Officer (Elementary),  
Thoothukudi at Pudukkottai,  
Thoothukkudi District.

4. The Block Educational Officer,  
Vilathikulam,  
Thoothukudi District.



WP(MD) No.16112 of 2024

5. The Block Educational Officer,  
Thiruchendur,  
Thoothukudi 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 priority in the counseling to be held on 18.07.2024 or subsequent dates for union transfer to as to enable the petitioner to get transfer to Thiruchendur union in the retirement vacancies or any other need posts.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr. M.Siddharthan

Additional Government Pleader

### **ORDER**

Heard Mr.V.Panneer Selvam, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



WP(MD) No.16112 of 2024

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3. The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to give priority in the counseling to be held on 18.07.2024 or subsequent dates for union transfer as to enable the petitioner to get transfer to Thiruchendur union in the retirement vacancies or any other need posts.

4. For the similar relief the petitioner had filed a earlier writ petition in W.P.(MD)No.3509 of 2022 wherein, the Court has clearly observed as under while disposing of the writ petition on 24.02.2022:-

*“2.The learned counsel for the petitioner made a submission that the petitioner has participated in the compulsory counselling already conducted by the competent authority. Now the union counselling is proposed to be conducted on 25.02.2022 and the authorities are not permitting the petitioner to participate in the counselling, by stating that the petitioner had already participated in the compulsory counselling on 16.02.2022.*

*3.Participating in the counselling is to be done based on the Government Guidelines and instructions*



WP(MD) No.16112 of 2024

*issued for counselling procedures. Counselling is conducted to accommodate the teachers in a particular school or place, which cannot be claimed as a matter of right. However, when a facility is extended to the teacher, such facility is to be granted in a uniform manner. Discrimination should be avoided in such matters. The authorities competent are bound to follow the procedures for conduct of counselling. If at all the petitioner is eligible as per the Government Orders and the procedures and guidelines, then alone she has to be permitted. However, Court cannot interfere and issue direction to allow the petitioner to participate in the counselling, as it is a concession and facility and equally, the authorities are duty bound to bear in mind that the petitioner cannot be discriminated. If all the similarly placed persons are permitted, then the case of the petitioner is also to be considered strictly in accordance with the procedures and guidelines issued by the Government.”*

**5.** The petitioner has re-agitated the same issue before this Court by filing another Writ Petition now. The petitioner cannot expect



WP(MD) No.16112 of 2024

any other magic other than what had already allowed to her. However, it is learnt that the petitioner has not been allowed to participate in the counselling during the last year.

6. In such case, it will be fair on the part of the respondents to allow the petitioner to participate in the counselling. However, the petitioner cannot seek for any order for assuring her any particular place of choice in the absence of any guidelines in this regard.

7. With the above observation, this writ petition is disposed of. No costs.

16.07.2024

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
RM



WP(MD) No.16112 of 2024

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WP(MD) No.16112 of 2024

**R.N.MANJULA, J.**

RM

Order made in  
W.P.(MD)No.16112 of 2024

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