



W.P.(MD)No.25216 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.25216 of 2024

N.L.Vijayalakshmi

... Petitioner

Vs.

1. The Joint Director of School Education (Personal),
DPI Compound,
College Road,
Chennai-600 006.

2. The Chief Educational Officer,
Samagra Shiksha (Integrated School Education),
Theni District,
Theni-625 535.

3. Mrs.N.Mekala

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to pass orders on the request made by the petitioner's and the 3rd respondent for mutual transfer, transferring her to Bodinaickanur Block, Theni District and the 3rd respondent to Batlagundu Block, Dindigul District as Block Resource Teacher Educator by taking account of the order passed by this Court in W.P.(MD).No.13089 of 2024 dated 04.10.2024 as well as their representations dated 14.10.2024.



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For Petitioner : Mr.G.Thalaimutharasu
For Respondent Nos.1 & 2 : Mr.N.Satheesh Kumar
Additional Government Pleader
For Respondent No.3 : Mr.M.Karthikeya venkatachalapathy

* * * * *

ORDER

The instant writ petition has been filed by a Block Resource Teacher Educator (BRTE) working at Vathalagundu, seeking a mandamus as against the first respondent to consider her request for mutual transfer to Bodinaickanoor Block, Theni District in the place of the 3rd respondent.

2. The learned Government Pleader appearing for the Respondent Nos.1 & 2 has received written instructions from the Director of School Education to the effect that, since the petitioner is a English teacher and the 3rd respondent is a maths teacher, the question of considering the proposal for mutual transfer is not possible. The writ petitioner herein had earlier filed a writ petition in W.P.No.(MD).13089 of 2024, seeking to quash the seniority list for transfer on the ground of spouse category priority in the Periyakulam block, Theni District. This Court by an order dated 14.06.2024, had directed the authorities to post the petitioner at Vathalagundu Block. In view of the fact that there is no vacancy in



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Theni District, this court has further observed that, in case any vacancies arises at Theni District, the petitioner's request may be considered on priority basis.

3. After joining at Vathalagundu, the petitioner and the 3rd respondent herein have sent independent requests to the first respondent seeking mutual transfer. Since, the said request was not considered, the present writ petition has been filed.

4. A perusal of the written instructions received by the Additional Government Pleader reveals that the only objection raised by the respondents for considering the request of the petitioner is that the subjects are different. A perusal of the G.O.Ms.No.134, School Education Department dated 18.08.2021 reveals that there is no bar for considering mutual transfer, if the subjects are different.

5. Therefore, in view of the above said facts, and in the light of the observations made by this Court in W.P.(MD)No.13089 of 2024 dated 14.06.2024, the first respondent is directed to consider the request made by the petitioner and the third respondent for mutual transfer and pass orders within a period of eight (8) weeks from the date of receipt of a copy of this order.



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

29.10.2024

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

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To

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R.VIJAYAKUMAR, J.

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