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W.P.No.23892 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.23892 of 2025

And

W.M.P.No.26903 of 2025

R.C.S.Kumar

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Principal Secretary to Government,
School Education Department,
Fort St.George,
Secretariat,
Chennai 600 009.

2.The Director,

Government Examinations,
DPI Campus, College Road,
Chennai 600 006.

3.The Joint Director of Government Examinations (Personnel),
Office of Director of Government Examinations,
DPI Campus, College Road,
Chennai 600 006.

4.M.Shanmuganathan

5.T.C.Venkatanathan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus calling for the records relating



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to the impugned order issued by the second respondent in Na.Ka. No.100693/E1-1/2025 dated 19.06.2025 and to quash the same consequently directing the respondents to grant posting to the petitioner in the vacancy in Chennai or Kancheepuram or Thiruvallore District, on being considered under priority category as per application submitted by the petitioner dated 16.05.2025.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan
For Respondents : Ms.S.Mythreye Chandru for R1 to R4
Special Government Pleader

ORDER

The instant writ petition has been filed challenging the transfer order dated 19.06.2025.

2.The learned Senior Counsel appearing for the petitioner would submit that the petitioner has given application for transfer vide application dated 16.05.2025 and it is his further submission that the petitioner will come under the priority category as his spouse is employed at Chennai. Apart from that, the learned Senior Counsel would submit that the petitioner is in the verge of his retirement and his Mother aged about 85 years is suffering from Cancer. Hence while submitting his application under the spouse category, apart from



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referring Chennai, the petitioner has also opted for Kancheepuram and Thiruvallur, however, the respondents did not consider the petitioner under the priority category, inspite of the order passed by this Court in W.P.No.19401 of 2025, dealt him in his required seniority and thereby his option to get nearby District was denied. Hence prayed to interfere with the impugned order.

3.It is the further submission of the learned Senior Counsel appearing for the petitioner that in the near future, there would be vacancy for Additional Director in Chennai. Even if the petitioner is not considered immediately, on the promotional vacancy which is going to arise in Chennai, he may be considered.

4.This contention was strongly objected by the learned Special Government Pleader. It is his contention that when the petitioner is applying for a priority post, he must only be considered for Chennai under the priority as his wife is residing there and cannot be considered for the nearby area and required seniority. Hence, the respondent has passed the impugned rejection order, however, would fairly submit that there would be promotional vacancy which would arise at Chennai in near future.



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5.I have given my anxious consideration to either side submissions.

6.The main contention put forth by the learned Senior Counsel appearing for the petitioner is that the petitioner ought to have been considered under priority quota. In this connection, the learned counsel would invite the attention of this Court to the order passed in W.P.No.19401 of 2025, dated 28.05.2025. For ready reference, this Court deems it appropriate to extract paragraph 7 of the order passed in W.P.No.19401 of 2025 hereunder:

"7. Taking into account the fact that the spouse of the petitioner is working in Chennai and the mother of the petitioner is a cancer patient and also the submissions made by either side, the authority competent among the respondents 1 to 3 are directed to consider the petitioner's application dated 16.05.2025 for transfer on priority category and pass appropriate orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order."

7.This Court after elaborately considering the grievance of the



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petitioner has directed the respondents 1 to 3 to consider the petitioner's application dated 16.05.2025 for transfer on priority category, but does not distinguish to consider for Chennai or other places. When there is direction of this Court to consider the petitioner under priority category, he ought to have been considered under priority category. Had he been considered, under the special category, he might have had a bright chance to get in the nearby District namely, Kancheepuram and Thiruvallur. Only because of the unreasonable attitude of the respondents, the petitioner's ultimate expectation could not be met with. However, in accordance with the service seniority, certain other persons have been transferred and posted at Chennai and Kancheepuram. At this length of time, if any interference is made by this Court, it would cause serious repercussions upon the incumbent who are already posted in Chennai and Kancheepuram. Therefore, this Court deems it appropriate to consider the alternative submission made by the learned Senior Counsel. According to his submission there would be promotional vacancy that would arise in near future in Chennai and such factum was also fairly confirmed by the learned Special Government Pleader, on the basis of oral instructions received from the Joint Director.



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8. In view of the above circumstances, this Court does not find any merits to interfere with the impugned order at this length of time.

However, this Court directs the respondents to consider the petitioner for the post of Additional Director in Chennai in the promotional vacancy, that is going to arise in the near future.

9. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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School Education Department,
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Chennai 600 009.

2. The Director,
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