

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2016

C O R A M

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN

WP.No.30932/2015 & MP.No.1/2015

K.Aruna Devi

..Petitioner

Versus

- 1 The Director of School Education,
College Road, Chennai 600006.
- 2 The Joint Commissioner [Education]
Corporation of Chennai,
Rippon Buildings, Chennai 600003. ..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus calling for the records on the file of the 2nd respondent in his proceedings Ka.Thu.Na.Ka.No.E4/8831/2015 dated 21.07.2015 and quash the same and consequently directing the 2nd respondent herein to issue NOC to the petitioner in order to enable the 1st respondent to transfer the petitioner to the nearest place at Tiruvannamalai where her spouse is working as per G.O.[1d] No.232, School Education [SES[1]] Department dated 10.07.2015 and also Government letter [1d] No.263, School Education Department dated 28.07.2015.

For petitioner ... Mr.J.Selvarajan
For Respondents ... Mr.Karthikeyan for R1
Mr.G.Anantharangan for R2

ORDER

Heard the learned counsel for the petitioner ; and Mr.Karthikeyan, learned counsel appearing for the 1st respondent and Mr.G.Anantharangan, learned counsel appearing for the 2nd respondent and with their consent, the writ petition is taken up for final disposal.

2 The petitioner has filed the above writ petition seeking for the quashment of the impugned order passed by the 2nd respondent dated 21.07.2015, with a further prayer to direct the 2nd respondent to issue No Objection Certificate to the 1st respondent in respect of the petitioner who has sought transfer to any one of the Government High School, Tiruvannamalai.

3 The case of the petitioner is that she was appointed as Post Graduate Assistant at Chennai Government Girls Higher Secondary School, Madavaram High Road, Perambur, Chennai, in pursuance of her selection through Teacher Recruitment Board during 2011-2012. While so, she got married to one Mr.Arun Kumar, who is also working as B.T.Assistant at Government High School, Parayamapattu Village, Tiruvannamalai. Since the petitioner's service was not regularised at that time, she could not get transfer to the place where her husband is working. Since the petitioner is working under the control of the Corporation of Chennai, the 2nd respondent has to issue 'No Objection Certificate' to the 1st respondent in respect of those persons who seek transfer. Hence, the petitioner also made a representation on 04.02.2015, which did not evoke any response from the 2nd respondent. Hence, she filed WP.No.16435/2015 before this Court and this Court, vide order dated 10.06.2015 directed the 2nd respondent to consider the said representation of the petitioner. In pursuance of the said direction, the 2nd respondent had considered the petitioner's representation dated 04.02.2015 and rejected the same vide order dated 21.07.2015, which is impugned herein. Challenging the said rejection order, the petitioner is before this Court with the present writ petition.

4 The learned counsel for the petitioner would submit that subsequent to the passing of the impugned order by the 2nd respondent, the petitioner had sent a representation dated 30.09.2015 to the respondents herein seeking for issuance of NOC and transfer and the same was not considered by the respondents, the petitioner has approached this Court with the present writ petition. He has also brought to the notice of this Court, the letter of the Principal Secretary to the Government, School Education Department, dated 28.07.2015.

5 It would be appropriate to extract the relevant portion of the Letter of the Principal Secretary to Government, Education Department, in Letter [1D] No.263, School Education Department, dated 28.07.2015:-

“அரசாணை (1டி) எண் 232, பள்ளிக் கல்வித் துறை, நூள் 10.07.2015 பத்தி 1 — (4) ல் “மாறுதல் கலந்தாய்வில் கலந்து கொள்ள தற்போது பணிபுரியும் பள்ளியில் மூன்று கல்வியாண்டு பணிபுரிந்திருக்க வேண்டும்” என பதற்கு பதிலாக “மாறுதல் கலந்தாய்வில் கலந்து கொள்ள தற்போது பணிபுரியும் பள்ளியில் ஒரு ஆண்டு பணிமுடித்திருக்க வேண்டும். சென்ற ஆண்டு பதவி உயர்வு பெற்றுச் சென்ற தலைமையாசிரியர்கள் மற்றும் ஆசிரியர்களும், இவ்வாண்டு நடைபெறும் மாறுதல் கலந்தாய்வில் கலந்து கொள்ளலாம்” என வாசிக்கவும். ”

6 In view of the above facts and circumstances, this Court directs the 2nd respondent to pass appropriate orders on the petitioner's representation dated 30.09.2015 seeking transfer to Tiruvannamalai, where the petitioner's husband is working as B.T.Assistant [English] in the Government High School, Parayampattu, Tiruvannamalai, (*) and the 1st Respondent is directed to pass order in the light of the order passed by the Government in Letter [1D] No.263, School Education Department, dated 28.07.2015, within a period of one week from the date of receipt of a copy of this order.

7 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar
Dt:30.5.2016

(*) Corrected as per order
of this court dated 15.6.16
and made herein.

-s/d-
Assistant Registrar(CCC)
Dt:15.6.2016

True Copy

Sub-Assistant Registrar

To

- 1 The Director of School Education,]
College Road, Chennai 600006.] To be substituted
] the order already
- 2 The Joint Commissioner [Education] despatched on 31.5.16
Corporation of Chennai,]
Rippon Buildings, Chennai 600003.]

+ 1 cc to Mr.J. Selvaraj, Advocate SR.32615

+ 1 cc to Mr.G.Anantharangan, Advocate SR 32598

WP.No.30932/2015

nm(CO)
prk15/6