

(2014) 09 MAD CK 0376

In the Madras High Court

Case No : W.P. (MD)No. 14919 of 2014 and M.P. (MD) Nos. 1 and 2 of 2014

P. Sangeetha

APPELLANT

Vs

The Principal Secretary to Government

RESPONDENT

Date of Decision : 23-09-2014

Acts Referred:

Citation : (2014) 09 MAD CK 0376

Hon'ble Judges : K.K. Sasidharan, J

Bench : Single Bench

Judgement

K.K. Sasidharan, J.—The petitioner was appointed as Block Resource Teaching Educator vide proceedings dated 15.10.2010. She was posted at the Block Resource Centre at Tuticorin. Subsequently, she was transferred to Virudhunagar District by proceedings dated 09.12.2011, on the file of third respondent.

2. The Government issued an order in G.O.(1D) No. 137 School Education (PaKa5(1) Department, dated 09.06.2014, framing rules and regulations for transferring the teachers.

3. The petitioner was deployed in Vedaranyam Block in Nagapattinam District on the ground of surplus. According to the petitioner, there is a vacancy in Srivilliputhur Block in Virudhunagar District. The petitioner submitted a representation to the second respondent to transfer her to Srivilliputhur Block. The second respondent thereafter passed the impugned order, rejecting her request for transfer. The said order is under challenge in this Writ Petition.

4. When the Writ Petition came up for hearing on 10.09.2014, taking into account the submission made by the learned counsel for the petitioner, with regard to vacancy I have directed the third respondent to file an affidavit as to whether there is any vacancy in the post of Block Resource Teaching Educator (Maths) in Virudunagar District.

5. The third respondent has filed a counter affidavit dated 23.09.2014, indicating

that there is one post of Block Resource Teaching Educator (Maths) vacant from 05.09.2014 in Aruppukottai Block. According to the third respondent, the request made by the petitioner would be considered during the next academic year.

6. The petitioner was transferred to Nagapattinam District on the ground that there are surplus teachers in the District of Virudhunagar. The counter affidavit filed by the third respondent clearly indicates that there is a vacancy in Aruppukkottai Block. In short, there is a Block Resource Teaching Educator (Maths) post vacant in Aruppukkottai Block with effect from 05.09.2014. The third respondent would not be benefited by keeping the post vacant. The third respondent wanted the petitioner to submit an application for transfer during the next academic year.

7. The third respondent should take steps to fill up the post early rather than keeping it vacant. There is no point in saying that the post would be kept vacant and the aspiring candidate should make an application during the next year. I am of the view that the name of the petitioner should be considered for transfer to Aruppukkottai Block.

8. The impugned order dated 23.08.2014 is set aside. The respondents 2 and 3 are directed to pass appropriate orders to post the petitioner as Block Resource Teaching Educator (Maths) in Aruppukkottai Block taking, into account the counter affidavit filed by the third respondent. Such exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

9. The Writ Petition is allowed to the extent indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.