

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25661 of 2015
and M.P.No.1 of 2015

K.Muthulakshmi

.. Petitioner

Vs.

1.The Commissioner,
Chennai Corporation,
Rippon Building,
Chennai-600 003.

2.The Deputy Commissioner (Education)
Chennai Corporation,
Rippon Building,
Chennai-600 003.

3.The Education Officer,
Chennai Corporation,
Rippon Building,
Chennai-600 003.

4.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the claim of the petitioner for Unit Transfer from Corporation Service to School Education Service in the post of PG Assistant (Chemistry) by granting No Objection Certificate and permission for transfer by considering the representation submitted by the petitioner dated 09.02.2015.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Saravanan
for R1 to R3

Mr.R.Vijayakumar,
Additional Govt. Pleader for R4

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner is qualified with M.Sc., (Chemistry) and B.Ed., and she was selected and appointed as Post Graduate Assistant (Chemistry) and was given order of appointment to join in the Corporation Higher Secondary School, Chennai, vide order dated 04.02.2013 passed by the third respondent. The petitioner would claim that she is the permanent resident of Cuddalore District and her husband, namely Ratheesh is working as Special Grade Assistant in Shasun Pharmaceuticals Ltd., at Karaikudi, Cuddalore District, which is a private pharmaceuticals company and she is also having a daughter, namely Delina, aged about 8 years and she is studying IV Standard at St.Mary's Matriculation School, Cuddalore and in view of her appointment to the present post at Chennai, she is residing away from her family. The petitioner would further state that on account of his frequent travelling from Cuddalore to Chennai and vice versa, she has also suffered miscarriage. The claim made by the petitioner is that Chennai Corporation District is a separate unit governed by Corporation Service Rules and in the event of transfer to outside the Chennai District, No Objection Certificate has to be given by the Chennai Corporation and in this regard, she has also submitted a representation dated 09.02.2015 praying for No Objection Certificate and it was also followed by a reminder dated 06.04.2015 and since she is yet to be favoured with any response, came forward with this writ petition.

3. Mr.G.Sankaran, learned counsel appearing for the petitioner would submit that the counselling for intra-district transfer is scheduled to be held on 23.08.2015 and taking into consideration the plea made by the petitioner, appropriate orders may be passed.

4. Heard Mr.S.Saravanan, learned Standing Counsel, who accepts notice for the respondents 1 to 3 and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for the fourth respondent.

5 Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the third respondent to consider and dispose of the petitioner's representations dated 09.02.2015 and 06.04.2015 regarding the request made by the petitioner for grant of No Objection Certificate to participate in the counselling to be held on 23.08.2015 and pass orders on merits and in accordance with law on or before 21.08.2015 and communicate the decision taken to the petitioner, second respondent as well as to the fourth respondent.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

jvm

To

- 1.The Commissioner,
Chennai Corporation,
Rippon Building,
Chennai-600 003.
 - 2.The Deputy Commissioner (Education)
Chennai Corporation,
Rippon Building,
Chennai-600 003.
 - 3.The Education Officer,
Chennai Corporation,
Rippon Building,
Chennai-600 003.
 - 4.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 1 cc to M/s.C.Sankaran , Advocate Sr.No.43662
1 cc to Government Pleader.Sr.No. 43816

W.P.No.25661 of 2015

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pmk.19.5.2015

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