IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.28155 of 2015
&
M.P.Nos.1 and 2 of 2015

B.Hemalatha ...Petitioner

Vs

1. The Government of Tamilnadu
rep. by its Secretary to Government,
Higher Education Department,
Fort St. George, Chennai - 600 009.

2. The Director of Collegiate Education,
College Road, Nungambakkam,
Chennai - 600 006.

3. Tmt. R.Shanthi
'Bursar', Queen Mary's College,
Chennai - 600 004. ...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of respondents 1 and 2 especially the proceedings of the 2nd respondent relating to his proceedings made in Na.Ka.No.8682/B3/2014, dated 20.07.2015, and quash the same as null and void,illegal and invalid and consequently directing the respondents 1 and 2 especially the 2nd respondent to issue order forthwith transferring the petitioner from Thiruvallur Government Arts College, Rasipuram, Namakkal District to Queen Mary's College, Chennai - 600 004 in accordance with the Rules framed regarding 'Request Transfer' policy pursuant to G.O.Ms.No.(ID) 148, Higher Education (G2) Department, dated 08.08.2011.

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For Petitioner : Mr.A.Amalraj

For Respondents : Mr.R.Vijayakumar, AGP

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner was promoted as superintendent along with 22 others on 21.8.2009 and she was posted at the Office of the Joint Director of Collegiate Education, Thiruchirapalli. The petitioner would state that as per G.O.(ID) 148, Higher Education (G2) Department dated 08.08.2011, rules have been framed for considering the request transfer made by the non-teaching staff from one college to another and one of the conditions is that the non-teaching staff is eligible to submit transfer request application only after completion of one year of minimum service in the college where she/he was working. The petitioner along with others were promoted as 'Bursars' in terms of G.O.Ms.No.269, Higher Education (G-2) Department dated 26.12.2013 and she was posted at Thiruvalluvar Government Arts College, Rasipuram, Namakkal District. The petitioner would stated that two vacancies arose one in quid-e-Millet Government Women College, Chennai and another in Queen Mary's College, Chennai and though the petitioner has made a request for transfer to the said vacancy, the said request was not considered and however, the third respondent was accommodated though she has completed only 6 months of service at Thiruvalluvar Government Arts College, Rasipuram. Similarly, the batchmates of the petitioner, namely, Tmt.A.Thanoli and Jaisankar, were also accommodated even prior to the completion of one year mandatory period in terms of the above-said G.O.

3. The petitioner, after completing her one year service submitted an application dated 24.4.2015 to transfer her in any one of the vacancy in the college in and around Chennai and however, the third respondent was once again accommodated at Queen Mary's College, Chennai on 20.7.2015. The petitioner, in this regard, has submitted a representation on 04.08.2015 to the second respondent pointing out the infirmities and further prayed for transfer to Chennai in any one of the vacancy that may occur in future. Since there is no response, the petitioner came forward to file this Writ Petition.

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4. Mr.A.Amalraj, learned counsel appearing for the petitioner would submit that though the petitioner has challenged the order of transfer given to the third respondent, it would be suffice to direct the second respondent to consider and dispose of the representation of the petitioner dated 04.08.2015 sympathetically and in accordance with law and till the disposal of the said representation, further decision may be deferred to accommodate any other person in any one of the Colleges in Chennai and prays for appropriate orders.

5. Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

6. This Court, in the light of the above-said submission of the learned counsel appearing for the petitioner, directs the second respondent to consider and dispose of the representation of the petitioner dated 04.08.2015 on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and till the disposal of the representation, the second respondent shall defer any decision to accommodate anybody in any one of the colleges in Chennai for the post of 'Bursar'.

The Writ Petition is disposed of accordingly. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of Tamilnadu,
   Higher Education Department,
   Fort St. George,
   Chennai - 600 009.

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2. The Director of Collegiate Education,
College Road, Nungambakkam,
Chennai - 600 006.

1 CC to Mr.A.Amalraj, Advocate SR.No. 49106

1 CC to the Government Pleader, SR.No. 49005

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NM (CO)
PSI (22.09.2015)

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