

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36836 of 2015

A.Rajkumar

... Petitioner

- Vs -

1.The Director of Adi Dravidar Welfare,
Chepauk, Chennai - 600 005.

2.The District Adi Dravidar & Tribal
Welfare Officer, Villupuram District,
Villupuram.

3.The Headmaster,
Government Adi Dravidar Welfare Higher
Secondary School, Kavarai,
Villupuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to pass appropriate orders on the proposal forwarded by the 2nd respondent in Na.Ka.M3/12536/2015 dated 28.09.2015 to transfer back the petitioner to 3rd respondent school in the post of BT Assistant (Mathematics) from which he was transferred last year, by considering the representation submitted by the petitioner dated 04.11.2015, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.M.E.Rani Selvam,
Addl. Govt. Pleader

O R D E R

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

2. The case of the petitioner is that he was appointed as Secondary Grade Assistant in the Department of Adi Dravidar Welfare in Villupuram District on 28.08.2006 and subsequently, promoted as BT Assistant (Mathematics) on 23.07.2010 and posted in GTR Middle School, Arasampattu, Sankarapuram Taluk, Villupuram District. While he was working as BT Assistant (Mathematics) in Kalathur Adi Dravidar Welfare Middle School, Ulundurpet Taluk, he was transferred by deployment as surplus teacher to Kavarai Adi Dravidar Higher Secondary School, Villupuram District on 07.06.2013. Again, he was transferred to GTR High School, Kottaputhur, Chinnasalem Taluk.

3. It is the further case of the petitioner that he met with an accident and he underwent surgery for the fracture sustained in leg and he was advised not to travel long distance by bus, whereas the school where the petitioner is working at present is 125 kms away from his residence. Since the petitioner came to understand that there is a vacancy for the post of BT Assistant (Mathematics) in the 3rd respondent school which was declared as surplus in the year 2014, he made a representation to the 3rd respondent on 21.09.2015 to transfer him back to the 3rd respondent school in the existing vacancy to the post of BT Assistant (Mathematics). The 3rd respondent has also forwarded the proposal to the 2nd respondent who in turn forwarded the same to the 1st respondent as per proceedings in Na.Ka.M3/12536/2015 dated 28.09.2015. But so far, the 1st respondent has not considered the proposal forwarded by the 2nd respondent. Hence, the present writ petition.

4. Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. Though the petitioner prayed for a larger relief, this court, in the light of the facts and circumstances and without going into the merits of the case, directs the 1st respondent to consider the proposal forwarded by the 2nd respondent and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rgr

To

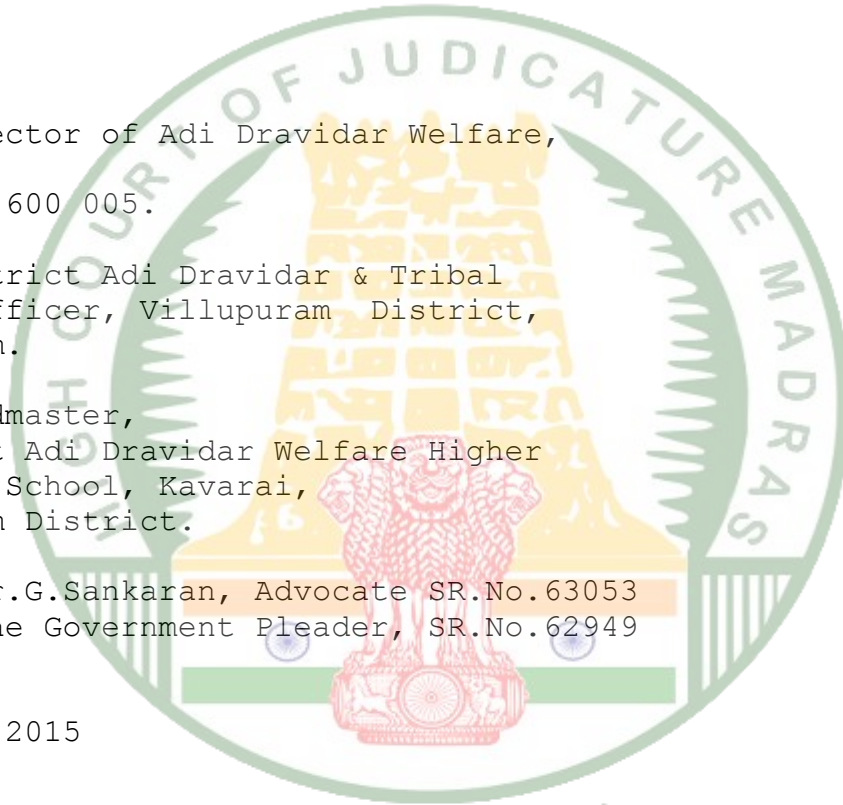
1.The Director of Adi Dravidar Welfare,
Chepauk,
Chennai - 600 005.

2.The District Adi Dravidar & Tribal
Welfare Officer, Villupuram District,
Villupuram.

3.The Headmaster,
Government Adi Dravidar Welfare Higher
Secondary School, Kavarai,
Villupuram District.

1 CC to Mr.G.Sankaran, Advocate SR.No.63053
1 CC to the Government Pleader, SR.No.62949

msm(CO)
kra 16.12.2015



सत्यमेव जयते

W.P.No.36836 of 2015

WEB COPY