



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.14588 of 2016

Thangam

...Petitioner

Vs

1.The Director,
Elementary Education,
College Road,
Chennai-6.

2.The Director of Elementary Educational Officer,
Sivagangai District, Sivagangai.

3.The Assistant Elementary Educational Officer,
Elayankudi Block, Elayankudi,
Sivagangai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 23.09.2015 submitted for petitioners preferential transfer under destitute widow woman category forthwith from the existing station to anyother station within the District of Kanyakumari forthwith, on merits and in accordance with law.

For petitioner : Mr.S.Palani Velayutham
For respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

ORDER

The petitioner herein, Mrs.Thangam, presently serving as a Secondary Grade Teacher at Panchayat Union Primary School, Kalathoor, Elayankudi Block, Sivagangai District, has come forward with the present Writ Petition, by stating that in the year 2008, her husband passed away due to an accident and that she is left with two children, sought for transfer from the existing station to her native place, namely, Kanyakumari District, through her representation dated 23.09.2015.

2. Learned counsel for the petitioner submitted that as per Clause No.7 found in G.O.Ms.(1D)No.258, School Education Department, dated 06.07.2016, those teachers, who lost the spouse after 01.06.2015, can be issued with transfer order to their native place, as a special case. Despite the same, the representation of the petitioner have not been considered, which impelled the petitioner to approach this Court.



3. Mr.Mohammed Mohideen, learned Additional Government Pleader, after getting instructions from the respondents, submitted that the General Counselling is going to take place from 12.08.2016 to 21.08.2016 and the respondents are also receiving applications through online. He states that the petitioner may be directed to send her application through online and on receipt of the same, the respondents will consider the request of the petitioner, favourably.

3. Considered the submissions made on either side and perused the materials available on record.

4. No doubt, the petitioner is eligible to take part in the Counselling, however, as per Clause No.7 found in G.O.Ms.(1D) No.258, School Education Department, dated 06.07.2016, the respondents are bound to consider the plea of the petitioner. Therefore, while directing the petitioner to send her application through online at the earliest, this Court in parallel, directs the respondents more particularly, the first respondent, to consider the plight of the petitioner as she lost her husband in the accident in the year 2008 and now, she is left with two children, and pass appropriate orders accommodating her in Kanyakumari District, preferably, near Gurusadi, Kanyakumari District, within a period two weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Director, Elementary Education,
College Road, Chennai-6.

2.The Director of Elementary Educational Officer,
Sivagangai District, Sivagangai.

3.The Assistant Elementary Educational Officer,
Elayankudi Block, Elayankudi,
Sivagangai District.

+1cc to M/s.S.Palanivelayutham, Advocate in SR.43439

+1cc to the Special Government Pleader, in SR.43656