

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31856 of 2017

K.Bhavani

.. Petitioner

-vs-

1. The Joint Director of School Education
Office of the Director of School Education
DPI Campus, College Road
Chennai 600 006

2. The District Educational Officer
District Education Office
Rani Annadurai Municipal Higher
Secondary School Complex
Kancheepuram District
Kancheepuram 631 501

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to transfer the petitioner to Chennai in the light of the transfer policy of the Government as outlined in Letter (Ms) No.92/S/09 dated 22.07.2009 within a period of four weeks and pass necessary orders expeditiously.

For Petitioner सत्यमेव जयते Mrs.Rohini Ravikumar

For Respondents :: Mr.ERA.Premnath
Government Advocate

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ORDER

This writ petition has been filed by Mrs.K.Bhavani seeking a mandamus directing the first respondent to transfer the petitioner to Chennai, in the light of the transfer policy of the Government as outlined in Letter (Ms) No.92/S/09 dated 22.07.2009 within a period of four weeks.

2. Learned counsel for the petitioner submitted that the petitioner is a differently abled person with 50% disability and suffers from post polio residual paralysis in her right knee from the age of five. She has graduated in B.Sc. (Mathematics) from AAA College, Walajapet and also completed M.Sc. (Mathematics) from Mahalakshmi Arts College at Arcot with First Class. She also holds a B.Ed Degree from Mohammed Sathak Teachers Training College, Padur. Besides, she has also completed her M.Phil in Mathematics. After registering her name in the employment exchange in the year 1997 with the 10th Standard qualification, she has been updating the aforesaid higher qualifications regularly. She also got married in the year 2008. After her marriage, she was appointed as a teacher on 30.12.2008 and posted at Tiruvannamalai. Since her husband was not able to shift to Tiruvannamalai, she stayed alone in a rented house and constantly travelled from Tiruvannamalai to Chennai to be with her husband. She also has two children aged about 7 years and 3 years respectively. Now she finds it difficult to be with her children, as they are taken care of by her husband, who is staying at Chennai. While so, she made a representation to the respondents to consider her transfer to Chennai. Accepting the said request, she was transferred to Kancheepuram in the year 2015. While serving at Kancheepuram, she has also given various representations for her transfer to Chennai, on the ground that she is a disabled teacher. The said request was also forwarded to the second respondent on 21.11.2017. But no response is forthcoming. Therefore, she has been advised to come to this Court seeking to direct the first respondent to transfer her to Chennai, in the light of the transfer policy of the Government as outlined in Letter (Ms) No.92/S/09 dated 22.07.2009 .

3. But this Court is unable to entertain the writ petition for more than one reason. Firstly, the petitioner was appointed as a teacher in Tiruvannamalai on 30.12.2008. Since then, she was working there. Secondly, even prior to her appointment, she got married in the year 2008. However, considering her status, the respondents have accommodated her nearer to Chennai, namely, Kancheepuram in the year 2015. While serving at Kancheepuram for the last two years, again repeating the ground that she is unable to take care of her children, who have been attended to by her husband at Chennai, made a representation to come to Chennai, on the basis of the transfer policy of the Government as outlined in Letter (Ms) No.92/S/09 dated 22.07.2009. When the petitioner makes a representation seeking transfer from one place to another place, it is for the respondents to consider her case. But this Court, stepping into the shoes of the employer, cannot decide on the issue of who should be transferred to which place. When the employer alone is the best judge to decide on the request for transfer, this Court

is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

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To

1. The Joint Director of School Education
Office of the Director of School Education
DPI Campus, College Road
Chennai 600 006
2. The District Educational Officer
District Education Office
Rani Annadurai Municipal Higher
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Kancheepuram District
Kancheepuram 631 501

+1cc to Mr.Rohini Raci Kumar, Advocate SR.No.87299
+1cc to Government Pleader SR.No.88137

W.P.No.31856 of 2017

MG (CO)
GN (05/01/2018)

सत्यमेव जयते

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