

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3995 of 2017

and W.M.P.No.4106 of 2017

V.Iyem Perumal Pillai ... Petitioner

Vs.

1.The State of Tamil Nadu
rep by its Secretary
Department of School Education,
Fort St.George, Chennai - 600 009.

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

3.The Project Director,
Rastriya Madhyamik Shiksha Abhiyan,
Directorate of School Education,
College Road, Chennai - 600 006.

4.The Joint Director (Personnel),
Directorate of School Education,
College Road, Chennai - 600 006.

5.The Chief Educational Officer,
Nagercoil - 629 001.
Kanyakumari District.

6.The District Educational Officer,
Nagercoil - 629 001.
Kanyakumari District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 4th respondent to consider and pass orders on petitioner's representations dated 20.08.2016, 16.11.2016 and 07.12.2016 for issuance of re-posting order so as to enable the petitioner to join service in Chennai or neighbouring District of Chennai in any post in the same cadre as that of BT Assistant.

For Petitioner : Ms.H.Mary Sowmi Rexi
For Respondents : Mr.V.Anandamoorthy,
Additional Government Pleader

O R D E R

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

2.The petitioner would aver that he was initially appointed as Secondary Grade Teacher on 03.06.1985 in Panchayat Union Middle School, South Settiyarpatti, Pudukottai District and thereafter, transferred to Panchayat Union Primary School, B.Mathur, Pudukottai District on 22.07.1986 and further, transferred to Panchayat Union Middle School, Athanakottai, Pudukottai District on 02.06.1988 and got transferred to Government High School, Atanakottai on 29.09.1988 and further got transferred to Government Primary School, Therur, Kanyakumari District on 12.07.1990. The petitioner was subjected to repeated transfers and he was transferred to Kavimani Desiya Vinayagampillai Government Girls Higher Secondary School, Kottar, Nagarcoil on 08.01.2005 and he was promoted as B.T. Assistant (History) with effect from 09.01.2008 and posted at Government Girls Higher Secondary School, Puliyangudi, Tirunelveli District and thereafter, was transferred to Government Girls Higher Secondary School, Nanguneri, Kanyakumari District on 28.08.2009 and subsequently, he was transferred as Education District Coordinator, vide order dated 30.11.2010 under the Rastriya Madhyamik Shiksha Abhiyan Scheme and posted at District Educational Office at Nagercoil on 04.12.2010 and is continuing in the said post. The petitioner would further aver that he took unearned leave on private affairs from 29.02.2016 to 28.05.2016 due to ill health and also for personal reasons and again he went on earned leave from 29.05.2016 to 26.08.2016 and for the period from 27.08.2016 to 31.08.2016 he was on leave on loss of pay. The petitioner, vide his representations dated 20.08.2016 and 16.11.2016, had requested for reposting orders and it was followed by a reminder dated 07.12.2016 to the 4th respondent, however, it has not favoured with any kind of response. The petitioner would further aver that though he was not able to participate in the General Transfer Counselling, subsequently, submitted a representation dated 20.08.2016 to the 4th respondent praying for transfer and accommodation in Chennai as his wife viz., Tmt.P.Sooria Prabha is working as Section Officer (Tahsildar) in the office of the Tamil Nadu State Marketing Corporation, Corporate Office, Egmore, Chennai since 2016 to attend his personal affairs and since so response is forthcoming, came forward to file this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner on account of his ill health, is requiring immediate personal attention and since his wife is employed at Chennai and taking sympathetic consideration of the facts, he may be transferred and accommodated at Chennai and therefore, prays for appropriate orders.

4.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who accepts notice for the respondents also.

5.Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 4th respondent to consider the representation dated 20.08.2016 submitted by the petitioner, through proper channel, and if the papers are otherwise in order, shall forward necessary proposal to the 2nd respondent within a period of four weeks from the date of a copy of this order and the 2nd respondent upon receipt of the same is directed to consider the said proposal, on merits and in accordance with law and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.

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

-s/d-

Assistant Registrar

True Copy

सत्यमेव जयते

Sub-Assistant Registrar

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To

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+1 CC to Mr.P.Godson Swaminathan, Advocate Sr.No.10510

W.P.No.3995 of 2017
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AK(CO)
KP(07.03.2017)



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