



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.12.2017**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P (MD) No.16937 of 2014

and

M.P (MD) No.1 of 2014

Tmt. Beaula Beatrice

... Petitioner

Vs.

1. The Director of Elementary Education,
College Road, Chennai.
2. The District Elementary Educational Officer,
O/o the District Elementary Educational Officer,
Tuticorin.
3. The District Elementary Educational Officer,
O/o the District Elementary Educational Officer,
Nagercoil.

... Respondents

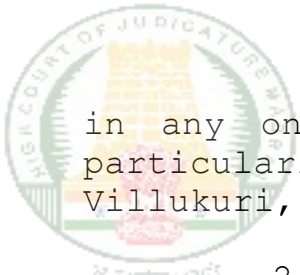
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to transfer the petitioner as Secondary Grade Teacher from Tuticorin District to Kanyakumari District under Spouse Employment Category and post the petitioner in any one of the vacant place in Kanyakumari District more particularly in Kulachal Range i) Government Primary School, Villukuri, ii) Government Middle School, Kattimangcode.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.S.Kumar
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to transfer the petitioner as Secondary Grade Teacher from Tuticorin District to Kanyakumari District, under Spouse Employment Category and post the petitioner



in any one of the vacant place in Kanyakumari District, more particularly, in Kulachal Range of Government Primary School, Villukuri, or Government Middle School, Kattimangcode.

2.The learned counsel for the petitioner would submit that the petitioner was working as Secondary Grade Teacher in Panchayat Union Middle School, Pudur Union, Tuticorin District. She was appointed in regular time scale of pay on 08.10.1996, and subsequently, she was working in the above said school from 26.12.2011 onwards. The petitioner's husband was working as Assistant (Admin) in Tamil Nadu Electricity Board Division Office, Kuzhithurai in Kanyakumari Electricity Distribution Circle and he was a sugar patient and suffering from kidney disease from 2007. The petitioner having two children and studying in college and school and mother in law aged about 82 years, also living with her family and she was in bedridden state. Therefore, she was facing a lot of problems in running her family life. The distance between Kulakattankuruchi and Tuticorin District was more than 250 kilometers.

3.Further, the learned counsel for the petitioner submits that in every year in the month of May, the Educational Authorities conducted counselling for Transfer and thereby given preference for spouse employment and she has also given transfer application, before the competent authorities, in the year 2012 itself. But it was not considered till date. Further, she submits that two posts of Secondary Grade Teacher were vacant in Kanyakumari District. But unfortunately, her application was not considered till date and most of the juniors were get transfer under spouse employment category and she was penalized for the past seven years.

4.In view of the above circumstances, this Court directs the respondents to consider the representation of the petitioner, regarding transfer to Kanyakumari District in the current academic year or next year, if she is otherwise eligible and pass appropriate orders, as per the prevailing Rules and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/



To

1. The Director of Elementary Education,
College Road, Chennai.

2. The District Elementary Educational Officer,
O/o the District Elementary Educational Officer, Tuticorin.

3. The District Elementary Educational Officer,
O/o the District Elementary Educational Officer,
Nagercoil.

+1 cc to Mr.M.Saravana Kumar ADVOCATE IN SR No.93874

+1 cc to The Special Government Pleader, IN SR No.94311

SSS

AE/JC/SAR-1/27.02.2018 : 3P/6C

ORDER MADE IN
W.P (MD) No.16937 of 2014
and
M.P (MD) No.1 of 2014
20.12.2017