



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.03.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE V. PARTHIBAN**W.P (MD) No. 4298 of 2017****and****W.M.P (MD) No. 3460 of 2017**

S.Syed Mohideen Abdul Khader

..Petitioner

Vs

- 1.The State of Tamil Nadu,
represented by its Secretary to Government,
School Education Department,
St.George Fort, Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Joint Director of School Education (personnel),
College Road,
Chennai - 600 006.
- 4.The Chief Educational Officer,
Tirunelveli District,
Kokkirakulam,
Tirunelveli - 09.
- 5.The District Educational Officer,
Office of the Cheranmahadevi District Educational Officer,
Cheran Mahadevi at Tirunelveli,
Tirunelveli - 627 001.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 2 and 3 to consider the proposal submitted by the fourth respondent in Na.Ka.No.5347/A1/2015, dated 2.7.2015 based on the guidelines issued in G.O.Ms.No.86, Personnel and Administrative Reforms(R)Department, dated 8.2.1996 and to provide an alternative employment to the petitioner in the cadre of Junior Assistant within the time stipulated by this Court.

For Petitioner

:M/s.M.Saravanakumar

For Respondents

:Mr.D.Muruganandam

Addl. Govt.Pleader

**ORDER**

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the respondents 2 and 3 to consider the proposal submitted by the fourth respondent in Na.Ka.No.5347/A1/2015, dated 2.7.2015 based on the guidelines issued in G.O.Ms.No.86, Personnel and Administrative Reforms(R)Department, dated 8.2.1996 and to provide an alternative employment to the petitioner in the cadre of Junior Assistant within the time stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

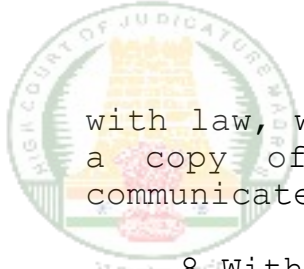
3.The Petitioner was originally appointed as Office Assistant on 23.4.1993 in the Education Department and the service was regularized from the date of his initial appointment. Subsequently, the Petitioner was appointed as Driver on 2.8.2010 on regular basis and he has been working ever-since as Driver.

4.According to the petitioner while he was working as Driver, he had suffered from back-pain, due to which, he was unable to perform his duties effectively as Driver in the Office and according to him, the problem of back-pain has been acute and he has the apprehension that he would not be able to carry on his duties effectively. Therefore he requested for providing an alternative job and has sent representations on 01.4.2015 and 25.4.2015 and the same was also considered and forwarded to the competent authorities. According to the Petitioner when he was subjected to medical examination, the Medical Officer had given a clear opinion that the Petitioner was not fit to drive the vehicle for a long time and therefore recommended for giving the right duty to him.

5.It is the case of the Petitioner that the fourth respondent after considering the request has also recommended for alternative employment to the petitioner. The Petitioner has also relied on a Government Order in G.O.Ms.No.86, Personnel and Administrative Reforms Department, dated 8.02.1996 which provides for consideration of such claims in respect of a person employed as Drivers. Since the representations which were submitted by the Petitioner were pending consideration before the authority concerned, he prays for disposal of the same in the light of the above said Government Order.

6.The learned Additional Government Pleader appearing for the respondents would not have any objection for giving such direction to be disposed within the time limit fixed by this Court.

7.In view of the above, the third respondent is directed to consider the representations of the Petitioner, dated 01.4.2015 and 25.4.2015 in terms of G.O.Ms.No. 86, Personnel and Administrative Reforms (R) Department, dated 8.2.1996 and also based on the basis of the recommendation of fourth respondent, on merits and in accordance



with law, within a period of eight weeks from the date of receipt of a copy of this order. The decision taken thereon is to be communicated to the Petitioner forthwith.

8. With the above direction, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
St. George Fort, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 005.
3. The Joint Director of School Education (personnel),
College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Tirunelveli District,
Kokkirakulam,
Tirunelveli - 09.
5. The District Educational Officer,
Office of the Cheranmahadevi District Educational Officer,
Cheran Mahadevi at Tirunelveli,
Tirunelveli - 627 001.

+1 CC to M/s. THE SPECIAL GOVERNMENT PLEADER, SR No. 18370

+1 CC to M/s. M. SARAVANA KUMAR, Advocate, SR No. 17978

VSN

PSM/MR/SAR3/20.04.2017/3P/8C

W.P (MD) No. 4298 of 2017

and

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