

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.08.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.21898 of 2018 and WMP No.25695 of 2018

Dr.Raja

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Higher Education Department,
Secretariat, Chennai 600 009.
 2. The Director,
Directorate of Collegiate Education,
Chennai - 8
 3. The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram.
 4. The State Commissioner,
Welfare of the Differently abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai 600 005.
- ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified Mandamus to call for the records pertaining to the University order No.662/2017 (C) dated 20.08.2018 passed by the 3rd respondent and quash the same and consequently direct the respondents to transfer the petitioner to the Government Periyar Arts College, Cuddalore which is near to his residence and to pass such further or other orders.

For Petitioner : Mr.K.C.Karl Marx

For Respondents: Mrs.P.Kavitha
Government Advocate for R1&R2
Mr.K.Sathish Kumar,
Standing Counsel for R3
Mrs.Thanga Vadhana Balakrishnan
Additional Government Pleader
for R4

ORDER

This writ petition has been filed by the petitioner challenging the order of deployment / transfer order passed by the 3rd respondent dated 20.08.2018 vide Order No.662/2017(C) deploying the petitioner in Government Arts College (Women), Kumbakonam, on the ground that being a physically challenged person with 80% disability he could not have been transferred or deployed from the original place of posting and as such, the order be quashed or modified and the respondent be directed to accommodate him in a college in Cuddalore District where vacancy is available . It is also the case of the petitioner that he has made representation in this regard to respondents indicating that his case has also been recommended by the 4th respondent to the 2nd respondent, but no action has been taken on the same, the petitioner has come to this Court seeking the aforesaid relief.

2. Mr.K.Sathish Kumar, learned counsel appearing for the 3rd respondent /University submit that pursuant to the order passed by the 2nd respondent indicating the vacancy and the place where the petitioner has to be deployed, being surplus the petitioner has been deployed. So, it is for the 2nd respondent who has to modify the order and therefore, the 3rd respondent has no role to play.

3. Mrs.P.Kavitha, learned Government Advocate who accepts notice on behalf of respondents 1 and 2 submits that if such a representation is pending, the 2nd respondent shall take an informed and considered decision on the same within a period stipulated by this Court.

4. Considering the aforesaid facts and submissions made by the learned counsel appearing for the parties, especially the fact that the 3rd respondent has no role to play in this matter, hence, no notice has been issued to the 3rd respondent. But, after hearing the learned counsel appearing for the parties and going through the materials on record, especially the nature of relief sought for, this Court dispose of this writ petition without seeking a reply affidavit from the 1st to 3rd respondents, with a direction to the 2nd respondent to take an informed and considered decision on the representation of the petitioner taking note of recommendation of the 4th respondent and also verifying the fact with regard to disability of the petitioner and also the availability of vacancy in the place of Cuddalore, so also, feasibility of positing in such vacancy, within a period of four weeks from the date of receipt of copy of this order. Needless to say that if the petitioner joins in pursuant to the earlier order of transfer in the new place of posting the

same is without prejudice to the claim of the petitioner in the representation.

5. With the aforesaid order, the writ petition stands disposed of as pre-matured. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai 600 009.
2. The Director,
Directorate of Collegiate Education,
Chennai - 8
3. The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram.
4. The State Commissioner,
Welfare of the Differently abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai 600 005.

+1cc to the Government Pleader Sr.59776
+1cc to Mr.K.Sathishkumar, Advocate Sr.58613
+1cc to Mr.Karl Marx, Advocate Sr.58623

W.P.No.21898 of 2018

kji[co]
srg 3/9/2018