

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.10.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.27410 of 2018

T.Ramkumar

.. 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 mandamus directing the 2nd respondent to transfer the petitioner as per Letter (MS) No.92/S/09, dated 22.07.2009, personnel and administrative Reforms Department to the Chidambaram Government Arts College or Kolanjiappar Government Arts College, Virudachalam which are the nearest colleges from his residence.

For Petitioner : Mr.K.C.Karl Marx

For Respondents : Mrs.P.Kavitha

Government Advocate for
R1&R2 and R4

Mr.P.Godson Swaminathan
for M/s.Issac Chambers for R3

ORDER

This writ petition has been filed by the petitioner challenging the order of deployment / transfer order passed by the 3rd respondent dated 01.02.2016 vide

Order No.68/2016 deploying the petitioner in Government Arts College, Vellore, on the ground that he 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 respondent be directed to accommodate him in a college in Chidambaram Government Arts College or Kolanjiappar Government Arts College, Virudachalam where vacancies are available as per Letter (MS) No.92/S/09 dated 22.07.2009 . 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 on the same having been taken, the petitioner has come to this Court seeking the aforesaid relief.

2. During the course of hearing, the learned counsel appearing for the petitioner submits that it would be suffice if a direction is given to the respondents to consider his representation within a time stipulated by this Court.

3. Mr.P.Godson Swaminathan, 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.

4. 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.

5. 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 respondents 1 to 3, 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 Chidambaram and Virudachalam, 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 writ petition.

6. With the aforesaid order, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

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To

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Higher Education Department,
Secretariat, Chennai 600 009.
2. The Director,
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Chennai 600 005.

+1cc to Mr.Mr.K.C.Karl Marx , Advocate SR.No. 71751

+1 CC TO GOVERNMENT PLEADER SR.NO.72008

+1cc to M/s.Issac Chambers, SR.No. 72228

WP.27410 of 2018

ASK(08/11/2018)