

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.11.2018

CORAM

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.29014 of 2018

C.Umasankar

..... Petitioner

Vs

1. The District Collector,
Villupuram District.
2. The Chief Educational Officer,
Office of Chief Educational Officer,
Villupuram District Respondents

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 23.08.2018 in view of the Letter (Ms) No.92/S/09 dated 22.07.2009, Department of Personnel and Administrative Reforms and G.O.(Ms) No.127, dated 02.07.2018, Department of School Education (SE 3(1) Department.

For Petitioner : Mr.M.Muruganantham

For Respondents : Mr.S.Suresh Kumar
Government Advocate for R1
Mrs.P.Kavitha,
Government Advocate for R2

O R D E R

From the averments made in the writ petition, it appears that the petitioner is a physically challenged person and working as a Junior Assistant in the Elavanasur Government Girls Higher Secondary School, Ulundurpet Educational District, Villupuram District. The petitioner being a physically challenged person and as such, expressing his difficulties to continue in his place of posting due to his physically disability made a representation to the respondents to transfer

him to Keezhathazhanur Government High School, Thirukovilur Educational District, Villupuram District. Even though there is no impediment to transfer the petitioner to that place and the petitioner in this regard has made several representations including last one on 23.08.2018, the same has evoked no response from the respondents. Hence, the petitioner has come to file this writ petition challenging such in action of the respondents with a prayer to direct the respondents, more particularly the 2nd respondent to take a decision on his representation in view of Letter (Ms) No.92/S/09 dated 22.07.2009, Department of Personnel and Administrative Reforms and G.O.(Ms) No.127, dated 02.07.2018, Department of School Education (SE 3(1) Department).

2. Mr.S.Suresh Kumar, learned Government Advocate accepts notice on behalf of 1st respondent and Mrs.P.Kavitha, learned Government Advocate accepts notice on behalf of 2nd respondent. On consent of the learned counsel appearing for parties, this Court take up this writ petition for final disposal at the stage of admission.

3. The learned counsel appearing for the petitioner submits that since he has made a representation, the respondents be directed to take an informed and considered decision on the representation within a stipulated period.

4. Mrs.P.Kavitha, learned Government Advocate appearing for the respondents submits that if such representation is pending, the 2nd respondent shall take a decision within the period as directed by this Hon'ble Court but this Court having not examined may not put any fetter on the respondents to consider the same in any particular manner.

5. Considering the facts and submissions made, especially the nature of relief sought for, this Court therefore dispose of this writ petition without seeking response of the respondents through a reply affidavit, with a direction to the 2nd respondent to take an informed and considered decision on the latest representation of the petitioner dated 23.08.2017, if no decision on such representation has been made earlier and there is no other legal impediment to dispose of the same, within a period of six weeks from the date of receipt of copy of this order and intimate the decision taken there of to the writ petitioner. However while considering such representation, the 2nd respondent must keep in mind with regard to applicability of G.O.(Ms) No.127, dated 02.07.2018, Department of School Education (SE 3(1) Department). Since this Court has expressed no opinion on the merits of such representation in any manner,

there is no fetter on the part of the 2nd respondent to take decision as it may deem fit and proper in the facts and circumstance of this case but in the manner known to law on such representation. No cost.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rka

To

1. The District Collector,
Villupuram District.
2. The Chief Educational Officer,
Office of Chief Educational Officer,
Villupuram District.

+1cc to Mr.M.Muruganandham, Advocate Sr.75076
+1cc to the Government Pleader Sr.76463

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srg 28/11/2018

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