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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No. 9399 of 2018

and

W.M.P. (MD) No. 8724 of 2018

M. Germanus Alex

... Petitioner

-Vs-

1. The Director of Collegiate Education,
EVK Sampath Maligai,
College Road, Chennai-600 006.

2. The Regional Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.

3. The Principal,
Kamarajar Government Arts College,
Surandai, Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent herein to pass transfer or deputation order to the petitioner as Assistant Professor in Computer Science Department on the petitioner's will to the Government Arts and Science College, Nagercoil from Kamarajar Government Arts College, Surandai in which the petitioner is working on the basis of the petitioner's representation made before the first respondent through proper channel dated 03.08.2017.

For Petitioner	: Mr. B. Brijesh Kishore
For Respondents	: Mr. K. Saravanan, Government Advocate.

ORDER

The prayer sought for in the writ petition is for a Writ of Mandamus, to direct the first respondent herein to pass transfer or deputation order to the petitioner as Assistant Professor in Computer Science Department on the petitioner's will to the Government Arts and Science College, Nagercoil from Kamarajar Government Arts College, Surandai, in which the petitioner is working on the basis of the petitioner's representation made before the first respondent through proper channel dated 03.08.2017.



2. Heard Mr.B.Brijesh Kishore, learned counsel appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate, who accepts notice on behalf of the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner is working as Assistant Professor in the Department of Computer Science at the third respondent college for the past 10 years. The petitioner, on coming to know the fact that there is a vacancy in the post of Assistant Professor in Computer Science in the Government Arts and Science College, Nagercoil and this information was received by way of Right to Information Act, had made a request on 03.08.2017 to the respondent through proper channel, seeking transfer from the present place i.e., from the third respondent college to the Government Arts and Science College, Nagercoil as Assistant Professor in Computer Science and the said request of the petitioner was forwarded by the third respondent on 07.08.2017.

5. Therefore, the learned counsel appearing for the petitioner would submit that if the said request of the petitioner as forwarded by the third respondent is considered by the first respondent and if a direction to that effect is given to the first respondent and an order is directed to be passed by the first respondent in this regard within a time frame, the petitioner would be satisfied.

6. I have heard Mr.K.Saravanan, learned Government Advocate appearing for the respondents, who would submit that the request of the petitioner as forwarded by the third respondent shall be considered by the first respondent, within a time that may be fixed by this Court on merits and in accordance with law.

7. Considering the said submissions made by both sides, this Writ Petition is disposed of with the following direction:-

"that the first respondent is directed to consider the request of the petitioner dated 03.08.2017 as forwarded by the third respondent vide his proceedings in Na.Ka.No.578/A/2017 dated 07.08.2017, regarding the transfer from the third respondent college to the Government Arts and Science College, Nagercoil for the post of Assistant Professor in Computer Science and pass orders thereon on merits and in accordance with law, if it is not already considered, within a period of four weeks from the date of receipt of a copy of this



No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl side)

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/True Copy/

Sub Assistant Registrar

To

1. The Director of Collegiate Education,
EVK Sampath Maligai,
College Road, Chennai-600 006.
2. The Regional Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.
3. The Principal,
Kamarajar Government Arts College,
Surandai, Tirunelveli District.

+1cc to The Spl. Government Pleader Sr.No.63637
+1cc to Mr.B.Brijesh Kishore, Advocate Sr.No.63509

MYR

VB/SV/MMS/SAR2/15/05/2018/3P/6C

W.P(MD)No.9399 of 2018
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