



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.15260 of 2018

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D.V.Sunil

... Petitioner

Vs.

The Director of School Education,  
D.P.I. Campus,  
College Road, Nungambakkam,  
Chennai - 600 006.

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to transfer the petitioner from Government Higher Secondary School, Pottagavayal, Ramanathapuram District to any Higher Secondary School in Kanyakumari District as per the representation dated 25.06.2018.

For Petitioner : Mrs.J.Anandhavalli

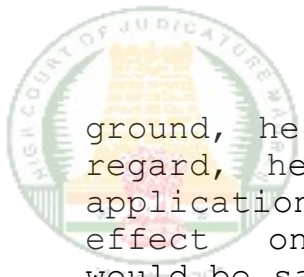
For Respondent : Mrs.S.Srimathy, Spl.G.P.

### ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondent to transfer the petitioner from Government Higher Secondary School, Pottagavayal, Ramanathapuram District to any Higher Secondary School in Kanyakumari District as per the representation dated 25.06.2018.

2.Heard Mrs.J.Anandhavalli, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondent.

3.The learned counsel appearing for the petitioner would submit that the petitioner was initially appointed as P.G.Assistant in Physics on 02.09.2010 at the Government Higher Secondary School, Karuvakurichi, Thiruvarur District and in 2014, pursuant to the general counselling, he was transferred to the Government Higher Secondary School, Pootagavayal, Ramanathapuram District on 24.06.2014 and now he is working there for the past four years. She would further submit that the petitioner belongs to Kanyakumari District and his daughter is affected by the deficiency called Autism for the past 8 years and therefore, she has been suffering. In view of the health condition of the daughter of the petitioner as the petitioner has to stay 200 km away from his native place, it became very difficult for getting proper medical care and other facilities for the Autism affected child and therefore, on that



ground, he wanted to transfer to Kanyakumari District and in this regard, he filed an application on 25.06.2018 and if the said application is considered by the respondent and an order to that effect on merits is passed, within a time frame, the petitioner would be satisfied.

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4.I have heard the learned Special Government Pleader appearing for the respondent, who would submit that Kanyakumari District is already overcrowded, Number of teachers are working in Kanyakumari District already and there is absolutely no vacancy in that district. She would further submit that in northern districts, though number of vacancies are available, the teachers belonging to southern districts wanted to go back to their native place, with the result, still the vacancies are expanding in northern districts that would have an impact to the teaching in the schools located in northern districts. Therefore, a policy has been taken by the respondent department to discourage the transfer from northern district to southern districts. She would further submit that at any rate, the request of the the petitioner would be considered on the peculiar reasoning of health ground of her daughter and an order to that effect would be passed, on merits, within a time frame.

5.Considering the said submissions made by both sides, this writ petition is disposed of with the following direction:

"The petitioner's representation dated 25.06.2018 shall be considered by the respondent and an order to that effect on merits shall be passed, within a period of four weeks from the date of receipt of copy of this order."

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To  
The Director of School Education,  
D.P.I. Campus,  
College Road, Nungambakkam, Chennai - 600 006.

+1CC to Mrs.J.Anandhavalli, Advocate, SR.No.73132  
+1CC to the Special Government Pleader SR.No.73252

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16.07.2018