



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2018

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P.[MD]No.17106 of 2018

and

W.M.P.[MD]Nos.15058 & 15059 of 2018

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V.Subbaian

: Petitioner

Vs.

1.The Director of School Education,
Chennai - 6.

2.The Joint Director (Personnel),
Office of the Directorate of School Education,
Chennai - 6.

3.The Chief Educational Officer,
Trichy.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.37992/C1/E1/2018 dated 14.06.2018 and quash the same and direct the respondents to permit the petitioner to continue in Ayyanar Corporation High School, Melur, Srirangam, Trichy District.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.D.Muruganantham,
Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.37992/C1/E1/2018 dated 14.06.2018 and quash the same and direct the respondents to permit the petitioner to continue in Ayyanar Corporation High School, Melur, Srirangam, Trichy District.

2.Heard Mr.V.Panneer Selvam, learned Counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3.The learned Counsel appearing for the petitioner would submit that, the petitioner is working as Headmaster in Ayyanar Corporation High School, Melur, Srirangam, Trichy District and in order to take treatment for the psychologically affected child of the petitioner, he wanted to get transferred near to Chennai, as the treatment



facilities are available only in Chennai. Therefore, he requested for transfer to Chennai by participating in the general counseling.

4. Pursuant to his request, he has been transferred from Trichy to Kancheepuram, by order dated 14.06.2018. However, it is unfortunate that the petitioner's wife became sick suddenly and the petitioner is also having only seven months of service. Therefore, if the petitioner goes to Chennai, his wife's condition will further get deteriorated. Therefore, the petitioner has made a request to cancel the said transfer and to retain him in Trichy vide representation dated 18.06.2018.

5. The learned Counsel appearing for the petitioner would submit that the petitioner is still working in the place from where he was transferred i.e., Ayyanar Corporation High School, Melur, Trichy and he has not been relieved so far.

6. I have heard Mr. D. Muruganathan, learned Additional Government Pleader appearing for the respondents, who would submit that the said impugned order dated 14.06.2018, was issued only at the instance of the petitioner and based on the request he made while participating in the general counseling. However, the petitioner so far has not moved from the said place and he is still working there. If at all, the petitioner is expressing difficulty now through his representation dated 18.06.2018, the same would be considered by the respondents within a time frame.

7. Considering the said submissions made by both sides, without going into the merits of the challenge made by the petitioner against the impugned order, this Court is inclined to pass the following order:

"The respondents are directed to consider the representation of the petitioner dated 18.06.2018, on the ground of health condition of the wife of the petitioner and also by taking into account that the petitioner has so far not been relieved from Trichy and by taking a pragmatic view, within a period of six [6] weeks from the date of receipt of a copy of this order. Since the petitioner has not been relieved so far, till a decision is taken by the respondents, the petitioner need not be disturbed."

8. With the above directions, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

/True Copy/



To

1.The Director of School Education,
Chennai - 6.

2.The Joint Director (Personnel),
Office of the Directorate of School Education,
Chennai - 6.

3.The Chief Educational Officer,
Trichy.

+1CC to Mr.V.Panner Selvam, Advocate in Sr.No.76685.

+1CC to Special Government Pleader in Sr.No.76553.

MR

DS SKN SAR-2 ;30.08.2018; 3P/6C

ORDER MADE IN
W.P. (MD) No.17106 of 2018
01.08.2018