

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28835 of 2019

and

W.M.P.Nos.28574 & 28576 of 2019

M.Amudha

.. Petitioner

Vs.

1.Director of Elementary Education,
Directorate of Public Instructions,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Nagapattinam District.

3.The Commissioner,
Commissionerate for the Welfare of the
Differently Abled,
Jawaharlal Nehru Inner Ring Road,
K.K.Nagar, Chennai - 600 078.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order dated 30.08.2019 bearing Na.Ka.No.6189/E1/2019 passed by the 2nd respondent and quash the same and consequently direct the respondents to post the petitioner to one of the three schools: i) Voimedu West Panchayat Middle School (5 Kms from my residence), ii) Chettipuram - Thiagarasapuram Panchayat Middle School (15 Kms from my residence) and iii) Periyakovilpathu Panchayat union primary School (18 Kms from my residence).

For Petitioner : Mr.K.Elangoo

For Respondents : Ms.P.Kavitha
Government Advocate

O R D E R

This Writ Petition is filed challenging the impugned order of the second respondent dated 30.08.2019 bearing Na.Ka.No.6189/E1/2019 to quash the same and to direct the respondents to post the petitioner to one of the three schools: (i) Voimedu West Panchayat Middle School (5 Kms from his

residence), (ii) Chettipuram - Thiagarasapuram Panchayat Middle School (15 Kms from his residence) and (iii) Periyakovilpathu Panchayat union primary School (18 Kms from his residence).

2.The case of the petitioner is that the petitioner was appointed as a Secondary Grade Assistant in Primary School at panchayat Union Primary School (PUPS) at Periyathumbar in Keelaiyur Block in September 2014 under the quota for the physically challenged persons. The petitioner with 50% locomotor disability and after a brief stint in the Periyathumbur Panchayat Union Primary School, she was transferred to Ettukudi Panchayat Union Primary School on 19.08.2015, which is 45 kms from his residence. Everyday the petitioner is commuting by bus 35 kms from her residence to Ettukudi Panchayat Union Primary School and she is also having a child aged 3 years and her husband is also a teacher working as Secondary Grade Assistant in Panchayat Union Middle School, Kunnalur, which is 10 kms away from her residence. Anticipating the transfer place proximate to her residence would be given, she decided to participate in the deployment exercise of absorbing surplus teachers in the existing vacancies conducted by the second respondent on 30.08.2019 and gave her option to transfer to Vedaranyam Educational Block under the disability quota. However, the Block Educational Officer at Keelaiyur insisted that the petitioner should not give option to transfer to the Schools in a particular Education Block. However, the Block Educational Officer transferred the petitioner to Konerirajapuram Panchayat Union Middle School in Kuthalam Block in Nagapattinam District, which is 120 kms away from her residence. Challenging the same, the petitioner has come out with the present Writ Petition.

3.Mr.K.Elangoo, learned counsel for the petitioner would submit that though the petitioner is a physically challenged person with 50% loco motor disability, she is entitled to be considered in the same block where her husband is at present working as a Secondary Grade Assistant in Panchayat Union Middle School, Kunnalur. However, posting a physically challenged person 120 kms away from her residence is not a settled boon and prayed for allowing the Writ Petition.

4.Today the Chief Educational Officer, Nagapattinam District appeared in person before this Court and understood the problem faced by the petitioner. In order to ventilate the petitioner's grievance, he requested before this Court that this Court may issue a direction to the petitioner to make a representation on or before 24.10.2019 and that representation will be considered and the petitioner will be transferred within 20 kms distance from her residence. Considering the concerned view expressed by the learned Government Advocate as well as the second respondent, the Chief Educational Officer, Nagapattinam

District, I am inclined to issue direction to the petitioner to make a representation on or before 24.10.2019. If any such representation is received, the Chief Educational Officer, Nagapattinam, has to pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. Till then, the petitioner's employment in Ettukudi Panchayat Union is continued till the disposal of the Writ Petition.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

krk

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director of Elementary Education,
Directorate of Public Instructions,
College Road, Chennai - 600 006.
2. The Chief Educational Officer,
Nagapattinam District.
3. The Commissioner,
Commissionerate for the Welfare of the Differently Abled,
Jawaharlal Nehru Inner Ring Road,
K.K.Nagar, Chennai - 600 078.

+1cc to Mr.K.Elango, Advocate, SR.No.87819

W.P.No.28835 of 2019

Kak(22/10/2019)

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