



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7365 of 2020

WEB COPY

A.Christal Jayan

... Petitioner

-Vs-

1.The Director of School Education,
DPI Campus,
College Road,
Nungambakkam, Chennai.

2.The Chief Educational Officer,
Sivagangai District,
Sivagangai.

3.The Chief Educational Officer,
Kanyakumari District,
at Nagercoil.

4.The Chief Education Officer,
Tirunelveli District,
Tirunelveli.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 30.05.2020 and direct the first respondent to transfer the petitioner and to appoint him in any one of the vacancies in Government Higher Secondary Schools either at Kanyakumari District or Tirunelveli District.

For Petitioner : Mr.M.R.Sreenivasan
For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

ORDER

The prayer sought for herein is a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 30.05.2020 and direct the first respondent to transfer the petitioner and to appoint him in any one of the vacancies in Government Higher Secondary School either at Kanyakumari District or Tirunelveli District.

2.Heard Mr.M.R.Sreenivasan, learned counsel appearing for the petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader, who accepts notice on behalf of the respondents and made



his submission.

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

4. That the petitioner has been promoted as Headmaster in November-2019 and has been posted at Government Boys Higher Secondary School, Singampunari, Sivagangai District. Previous to the said promotion, he was working at Panakudi Government Higher Secondary School, Tirunelveli District. The petitioner belongs to Kanyakumari District.

5. It is the further case of the petitioner that his father is 77 years old and he is suffered by a Paralysis attack, therefore, he has to continuously take treatment at his native place. Therefore, the petitioner's care is required for his father. Hence, on that ground, he wanted transfer to some of the Government Higher Secondary School at his home District, namely Kanyakumari. Therefore, in this regard, he has given a representation to the Director of School Education i.e., the first respondent herein, on 30.05.2020 and the learned counsel appearing for the petitioner submits that, if the said representation is directed to be considered on merits within a time frame, the petitioner would be satisfied.

6. On the other hand, Mr. N. Shanmugaselvam, learned Additional Government Pleader appearing for the respondents would submit that the Government issued G.O.No.249, Finance (Budget General-I) Department, dated 21.05.2020, under which, various austerity measures have been announced in order to meet the COVID-19 situation, where the learned Additional Government Pleader relied upon para 2 (g) of the Government Order, which reads thus:-

'2.....

g) General transfers shall be kept on hold for 2020-21 to minimize expenditure on transfer travel expenses. Only transfers on administrative grounds by an authority higher than the authority normally empowered to transfer and mutual request transfers will alone be allowed. '

7. By relying upon this condition imposed by the Government in the said G.O.No.249, the learned Additional Government Pleader would submit that during this COVID-19 period, no transfer would be permitted, unless if the higher authority than the transferring authority decided to transfer some stray cases. Therefore, the present request made by the petitioner on the health ground of his father cannot be considered atleast during the COVID-19 period.

8. I have considered the said submissions made by the learned counsel for both sides and perused the materials placed before this Court.



9.No doubt, as has been pointed out by the learned Additional Government Pleader, the request of the petitioner made through his representation dated 30.05.2020 cannot be considered by the Government during the COVID-19 period. However, once a COVID-19 situation is improved and the normalcy restored, this Court feels that there can be no impediment for considering the said request of the petitioner.

10.Therefore, in the light of the above, the following orders are passed in this writ petition:-

'that the respondents are hereby directed to consider the representation of the petitioner, dated 30.05.2020, especially by the first respondent and decide the same on merits in accordance with law as early as possible only after normalcy restored after this COVID-19 period.'

11.With the above observations and directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmk

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Director of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai.
- 2.The Chief Educational Officer,
Sivagangai District, Sivagangai.
- 3.The Chief Educational Officer,
Kanyakumari District, at Nagercoil.
- 4.The Chief Education Officer,
Tirunelveli District, Tirunelveli.

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