



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:14.10.2020
CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.14371 of 2020

R.Selvarani

... Petitioner

Vs.

1.The District Collector,
Madurai Collectorate,
Madurai-625020.

2.The Commissioner,
Usilampatti Panchayat Union,
Usilampatti,
Madurai District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to consider the petitioner's mutual consent transfer application to Mekkilarpatti Village Government Kallar High School, as prescribed in the proceedings in Na.Ka.No.11869/09/Sa.U.Thi.(Ni)1 dated 04.01.2010.

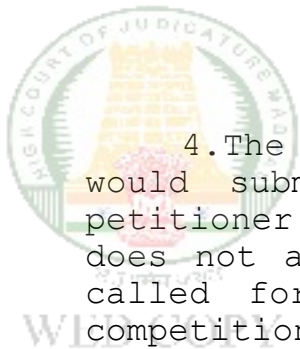
For Petitioner	: Mr.H.Thayumanaswamy
For R-1	: Mr.M.Karuppasamy Government Advocate
For R-2	: Mr.B.Bhagavathi Government Advocate

O R D E R

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

2.This Writ Petition has been filed to direct the second respondent to consider the petitioner's mutual consent transfer application to Mekkilarpatti Village Government Kallar High School, as prescribed in the proceedings in Na.Ka.No.11869/09/Sa.U.Thi.(Ni)1 dated 04.01.2010.

3.The learned counsel for the petitioner would submit that the petitioner is presently working as Noon Meal organizer at the Panchayat Union Primary School at Kattalaimayanpatti. The second respondent issued the proceedings in Na.ka.No.1625/2017/A5, dated 28.03.2018, posting her as additional charge for the post of Noon meal Organizer at Mekkilarpatti Government Kallar High School. In these circumstances, the petitioner filed an application for mutual transfer, after getting mutual consent from one Pawnthai, who was working as Noon Meal Organiser at Mekkilarpatti Panchayat Union Primary School on 27.02.2019.



4.The learned Government Advocate appearing for the respondents would submit that the person who gave mutual consent to the petitioner got retired on 30.05.2020. Therefore, the mutual consent does not arise. Further, the said post is declared as vacant and called for the applications to fill up the same in the open competition.

5.The learned Additional Advocate General appearing in some other matters would submit that due to the COVID-19 Pandemic, the recruitment process throughout the Districts for Noon Meal Organiser, Cook and helper suspended.

6.This Court is *prima facie* of the view that some force in the submission made by the learned counsel for the respondents that mutual consent cannot be considered due to the reason that the person who gave mutual consent got retired. Further, the petitioner now looking after the post of Noon meal Organizer at Mekkilarpatti Government Kallar High School in addition to the present working place. In these circumstances, I do not see any impediment for the respondents to transfer the petitioner to the Mekkilarpatti Panchayat Union Primary School, upon receipt of the fresh representation. In case, if any application made by the petitioner within a period of two weeks, the respondents may consider the said representation to transfer the petitioner to the Mekkilarpatti Panchayat Union Primary School and declare the post where presently the petitioner is working as vacant instead of Mekkilarpatti Panchayat Union Primary School.

7.In view of the above, this Court directs the petitioner to make fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondents are directed to dispose of the said representation within a period of four weeks from the date of receipt of a copy of the representation.

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp



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.

WEB COPY

To:-

- 1.The District Collector,
Madurai Collectorate,
Madurai-625020.
- 2.The Commissioner,
Usilampatti Panchayat Union,
Usilampatti,
Madurai District.

+1 CC to M/s.H. THAYUMANASWAMY, Advocate (SR-20083[F] dated 14/10/2020)

+1 CC to M/s.SPL GP (SR-20219[F] dated 15/10/2020)

W.P.[MD]No.14371 of 2020
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SRK(CO)
KB(03.11.2020) 3P 5C