

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1953 of 2021
and
W.M.P.No.2215 of 2021

T.Ramkumar

... Petitioner

Vs

1.The State of Tamilnadu,
Rep. by its Secretary,
Higher Education Department,
Secretariat, Chennai - 600 009.

2.The Director,
Director of Collegiate Education,
Chennai - 600 008.

3.The State Commissioner,
Welfare of the Differently Abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents to act upon the representation of the Petitioner dated 14.12.2020 in accordance with law and consequently transfer the petitioner to the Business Administration Department in any one of the Following colleges Viz.. 1) Dr.MGR. Government Arts and Science College Seerkazhli 2) DharmapuramGnanambikai Governments Womens Arts College Mayiladuthurai 3) Periyar Governments Arts college Cuddalore 4) Government Arts and Science College Manalmedu in the light of the Letter in (Ms) No.92/ S/ 09 dated 22.07.2009 (Personnel and Administrative Reforms Department) and the communication of the 2nd Respondent in Na.Ka.No. 49843/C3/ 2018 dated 19.12.2018.

For Petitioner : Mr.T.Gowthaman

For Respondents : Mr.B.Karthikai Balan, GA

ORDER

This Writ petition is filed, seeking a direction to the respondents to act upon the representation of the Petitioner dated 14.12.2020 in accordance with law and consequently transfer the petitioner to the Business Administration Department in any one of the Following colleges Viz.. 1) Dr.MGR. Government Arts and Science College Seerkazhli 2) DharmapuramGnanambikai Governments Womens Arts College Mayiladuthurai 3) Periyar Governments Arts college Cuddalore 4) Government Arts and Science College Manalmedu in the light of the Letter in (Ms) No.92/ S/ 09 dated 22.07.2009 (Personnel and Administrative Reforms Department) and the communication of the 2nd Respondent in Na.Ka.No. 49843/C3/ 2018 dated 19.12.2018.

2.Mr.B.Karthikai Balan, learned Government Advocate takes notice for the respondents. By consent, final orders are passed in the Writ Petition at the admission stage.

3.According to the petitioner, he is a person with 80% disability and he was appointed as Assistant Professor in Annamalai University on 11.12.2006 in Business Administration Department. Later he was transferred to the Government Arts College, Muthurangam, by order dated 01.02.2016. The petitioner claims that by virtue of Government Letter in Ms.No.92/S/09 dated 22.07.2009, he is entitled to be posted to his native place, however, he was transferred to the far off place. Hence, he made representations to the respondents. The third respondent vide proceedings dated 20.08.2018, also recommended to transfer the petitioner to near by place of his residence but the same was not considered by the second respondent, which prompted the petitioner to approach this Court by way of W.P.No.27410 of 2018, which was disposed of by this Court on 22.10.2018 giving direction to the second respondent to consider the representation of the petitioner. Pursuant to the same, the second respondent by letter dated 19.12.2018 informed the petitioner that there was no vacancy available as on date and his transfer will be considered as and when vacancy arises. Likewise, right from the beginning the petitioner has been informed that there is no vacancy available. It appears that the petitioner made representation on 14.12.2020 which evoked no response and hence the writ petition.

4.Today, when the matter is taken up for hearing, Mr.Karthigai Balan, learned Government Advocate, represented that even though the post has already been sanctioned, no financial sanction has been accorded and hence the respondents are not in a position to consider, accommodating the petitioner on priority basis. In this regard, the learned Government

Advocate also produced the copy of the letter of the Director of Collegiate Education addressed to the Government Pleader dated 11.03.2021.

5.The statement made by the learned Government Advocate is hereby recorded. This Writ Petition is disposed of, with a direction to the respondents to consider the case of the petitioner in accommodating the petitioner in a near-by place of his residence on priority basis, immediately on the sanction of financial aid from the Government. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mtl
To

1. The Secretary,
The State of Tamilnadu,
Higher Education Department,
Secretariat, Chennai - 600 009.
2. The Director,
Director of Collegiate Education,
Chennai - 600 008.
3. The State Commissioner,
Welfare of the Differently Abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai - 600 005.

+1 cc to Mr.T.Gowthaman, Advocate Sr.No. 16442
+1 cc to The Government Pleader Sr.No. 15825

PMK(CO)
RMP(01/04/2021)

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