

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2834 of 2021

V.Sathiyavanimuthu

...Petitioner

Vs

1. The District Collector,
Nagapattinam District,
Nagapattinam.

2. The Commissioner,
Panchayat Union,
Vedaranyam,
Vedaranyam Taluk,
Nagapattinam District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st and 2nd respondent to transfer the petitioner from Panchayath Union Middle School, Singankuthagai, Veadarnyam Taluk, Nagapattinam District to Aided Primary School, Kochikuthagai, Vedaranyam Taluk, Nagapattinam District based on the petitioner representation, dated 23.10.2020 within stipulated time may be fixed by this Court.

For Petitioner : Mr.R.Murugabharathi
For Respondents : Mr.P.V.Selvakumar, (for R1)
Additional Government Pleader
Mr.K.J.Sivakumar (for R2)

O R D E R

This writ petition has been filed, seeking a direction to the 1st and 2nd respondents to transfer the petitioner from Panchayath Union Middle School, Singankuthagai, Veadarnyam Taluk, Nagapattinam District to Aided Primary School, Kochikuthagai, Vedaranyam Taluk, Nagapattinam District based on the petitioner representation, dated 23.10.2020 within stipulated time may be fixed by this Court.

2. By consent of both sides, final orders are passed in the writ petition at the admission stage. Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for R1 and Mr.K.J.Sivakumar, learned Standing counsel takes notice for R2.

3. The sum and substance of the case is that the petitioner who initially appointed as a Noon Meal Organizer at Aided Primary School, Kochikuthagai, Vedaranyam Taluk, Nagapattinam is transferred to Panchayat Union Middle School, Singakuthagai, Vedaranyam Taluk, Nagapattinam as per the proceedings in Na.Ka.No.413/2017/Sa.Vu.thi, dated 09.02.2020 on the ground that the number of students is decreased. It is stated that the distance between her home town and present working place is comparatively more. Subsequently, when she came to know that the number of students is increased in the said school where she sought for transfer and the said place is declared as vacant, she made a representation dated 23.10.2020 to the respondents 1 and 2, requesting to transfer her in the Aided Primary School, Kochikuthagai, Vedaranyam Taluk, Nagapattinam where she worked earlier. Since no action has been taken on her representation, having no other effective or alternative remedy, except to approach this Court, the petitioner has come forward with this present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondents to consider the representation of the petitioner dated 23.10.2020 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner concerned, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order.

6. The petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of the representation dated 23.10.2020 and this order, to the respondents forthwith. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file

without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that she is not aware of the order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vum

To:

1. The District Collector,
Nagapattinam District,
Nagapattinam.
2. The Commissioner,
Panchayat Union,
Vedaranyam,
Vedaranyam Taluk,
Nagapattinam District.

+1cc to Mr.R.Muragabharathi, Advocate, S.R.No.8017
+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.8612
+1cc to the Government Pleader, S.R.No.8286

W.P.No.2834 of 2021

CP(CO)
KKV/18/03/2021

सत्यमेव जयते

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