

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5579 of 2021

A.Sylaja Grace

... Petitioner

-vs-

1. The Secretary to Government,
Department of School Education,
St. George Fort, Chennai.
2. The Director of School Education,
D.P.I Compound, College Road,
Chennai - 6.
3. The Director of Elementary School Education,
D.P.I Compound, College Road,
Chennai - 6
4. The Chief - Educational Officer,
Thiruvallur,
Thiruvallur District.
5. The Chief Educational Officer,
Nagerkovil,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents transfer the petitioner from Panchayat Union Middle School, Kakkalur, Pallipet Block of Thiruvallur District to the schools in her native place at Kanyakumari District by considering the petitioner representation dated 21.10.2020 and the light of the G.O.M.S.No.243 School Education (ee3) (2) dated 30.11.2013 of the circular of the 1st respondent dated 12.09.2020.

For Petitioner : Mr.S.Regu

For Respondents: Mr.P.Raja
Government Advocate

O R D E R

This Writ petition is filed, seeking a direction to the respondents to transfer the petitioner from Panchayat Union Middle School, Kakkalur, Pallipet Block of Thiruvallur District to any of the schools in her native place at Kanyakumari District by considering her representation dated 21.10.2020 and in the light of the G.O.M.S.No.243 School Education (ee3) (2) dated 30.11.2013 and in the light of the G.O.M.S.No.243 School Education (ee3) (2) dated 30.11.2013 and of the circular of the 1st respondent dated 12.09.2020.

2. Mr.P.Raja, learned Government Advocate takes notice for respondents. By consent, final orders are passed in the Writ Petition at the admissions stage.

3. It is the case of the petitioner that she has completed MSc., B.Ed Graduate in Mathematics and is hailing from Kanyakumari District. On 24.08.2010 by employment seniority, she was appointed as B.T.Assistant (Mathematics) at panchayat Union Middle School, Kakkalur, Pallipet Block, Thiruvallur District. She is continuing her service in the same school for the past ten years. All along she have been submitting applications for transfer to outside District, but her hectic efforts turned into futile.

4.The petitioner is venturing a long travel from her native place to the school at Kakkalur of Thiruvallur District for about 800 kms. She also stated that her husband is a practising advocate and is suffering from serious ailments.

5. Thus placing the reliance on the said G.O, she once again made representation on 21.10.2020 requesting them to considering transfer. But the respondents have not chosen to transfer the petitioner to her native place even as per the recent Government Order. having no other option exhausting all efficacious remedy.

6. Considering the facts and circumstances of this case, if the Petitioner's application is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent concerned to consider the representation of the petitioner dated 21.10.2020, if he is otherwise eligible and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner , as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the 1st respondent either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his

written submission, there is no bar for the respondent to pass orders on the mercy petition based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

7. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 21.10.2010 and this order, to the respondent concerned forthwith. The respondent concerned is directed to communicate the decision taken on the application, 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 he is not aware of the order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Secretary to Government,
Department of School Education,
St. George Fort, Chennai.
2. The Director of School Education,
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Chennai - 6.
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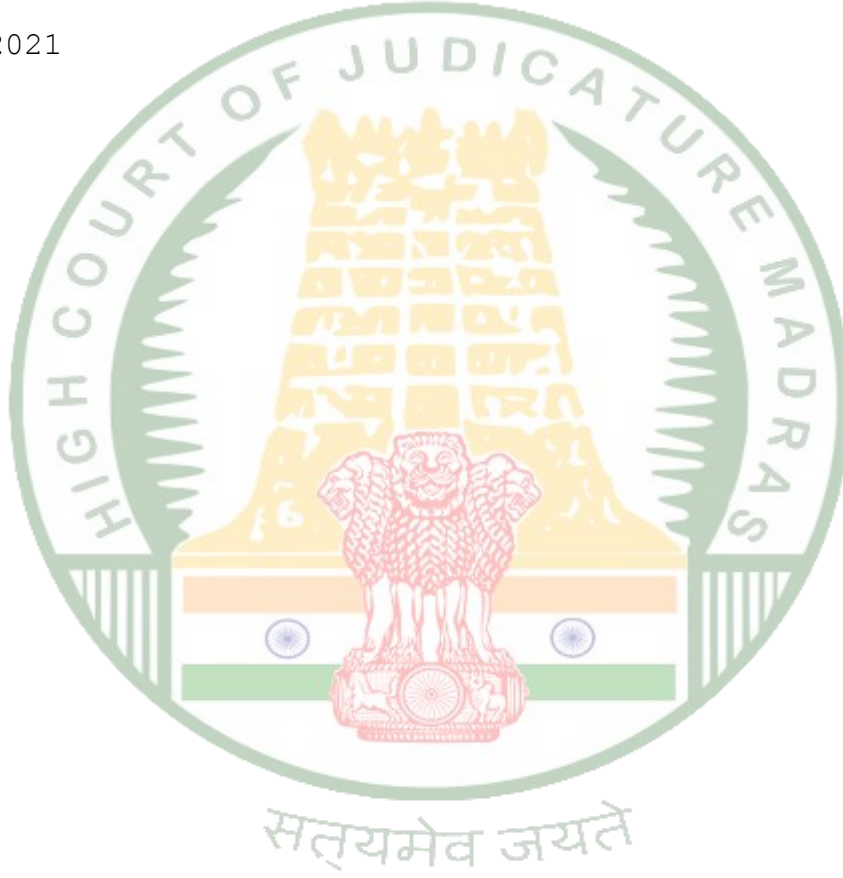
4. The Chief - Educational Officer,
Thiruvallur,
Thiruvallur District.

5. The Chief Educational Officer,
Nagerkovil,
Kanyakumari District.

+1cc to Mr.S.Regu, Advocate Sr.NO.15122

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PL(CO)
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