

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8327 of 2021

A.K. Shyam Prasath

... Petitioner

Vs

1. The Secretary to Government of Tamil Nadu
Department of Higher Education
Secretariat,
Chennai 600 009.

2. The Director,
Directorate of Technical Education
Guindy,
Chennai 600 025.

3. The Principal
Government Polytechnic College,
Cheyyar,
Thiruvannamalai.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to consider the petitioner's representation dated 12.11.2020 and pass orders upon the representation on humanitarian grounds on his medical condition.

For Petitioner : Mr.V. Prashath

For Respondents : Mr.S.Karthikeibalan
Government Advocate

ORDER

This writ petition has been filed seeking to direct the respondents to consider the petitioner's representation dated 12.11.2020 and pass orders upon the representation on humanitarian grounds on his medical condition.

2. Mr.S.Karthikeibalan, learned Government Advocate takes notice for Respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner has come forward with the present writ petition to consider his representation dated 12.11.2020. It is represented by the learned counsel for the petitioner that the petitioner is suffering from Nervous Disorder disease (Cauda Equina Syndrome) and that he is unable to continue in the present place where he is posted and he may be considered to be posted in and around Myladuthurai or taken back in Annamalai University. It is further represented that pursuant to existence of surplus staff, the employees were deputed to various places. The petitioner was in treatment from 2019 and he was aware when the order of transfer dated 31.08.2020 was issued, by which the petitioner was asked to produce a Physical Fitness certificate obtained from the Registered Medical Practitioner. It is also represented that after producing the medical certificate, he joined the present place of work and after four months, he fell ill due to the said chronic illness and that his request for transfer may be considered.

4. Mr. Karthikey Balan, learned Government Advocate would submit that the question of accommodating the petitioner in Myladuthurai itself is not possible, as there are no vacancies as on date and in case the petitioner is posted back at Annamalai University, he may have to face one other transfer order, as the person has been identified to be one of the surplus candidates.

5. Admittedly, there was a surplus staff, which fact is also known to the petitioner and fearing that he will lose his employment, the petitioner has joined the place by producing medical certificate and now he has come forward with a plea of transfer on the ground that he is suffering from illness from the year 2019. Anyhow, since the petitioner has made a representation to the respondents, the request of the petitioner shall be considered and if feasible, he shall be accommodated in a nearby place so that he can continue his post. The request of the petitioner shall be considered within one month from the date of receipt of a copy of this order.

6. It is made clear that this Court do not specifically direct the respondents to transfer him in a nearby place and only a suggestion is made to the respondents for transfer of the petitioner for smooth functioning of the Office of the Respondents without driving the petitioner for any treatment.

7. At this juncture, learned counsel for the petitioner submitted that the petitioner is willing to appear before the Medical Board for subjecting himself for medical examination, for which, the respondents stated that they have no objection for appearance of the petitioner before the Medical Board. In view of the above, the petitioner shall appear before Medical

Board on the date specified by the Medical Board and after examining the petitioner as to his fitness in discharging his official duties, the Medical Board shall send a report to the Respondents within one week thereafter.

8. With the above observation the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Secretary to Government of Tamil Nadu
Department of Higher Education
Secretariat,
Chennai 600 009.
2. The Director,
Directorate of Technical Education
Guindy,
Chennai 600 025.
3. The Principal
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+1cc to the Government Pleader, S.R.No.21417

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RLD(CO)
CB(09/07/2021)

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