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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.No.16541 of 2021
and
WMP.No.17509 & 17510 of 2021

[Video Conferencing]

T.M.Latha

...Petitioner

Vs.

1.Commissioner of Adi Dravidar Welfare,
Chepauk, Chennai - 5.

2.District Adi Dravidar and Tribal Welfare Officer,
Trichy District.

3.Head Master,
Government Adi Dravidar Welfare Elementary School,
Kattur - Pappakurichi,
Thiruchirapalli.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the proceedings in Na.Ka.No.Ral/6461/2021 dated 10.05.2021 on the file of the 1st respondent herein and quash the same in so far as it relates to the petitioner herein and consequently direct the respondents herein to permit the petitioner herein and consequently direct the respondents herein to permit the petitioner herein to continue as Secondary Grade Teacher in the Government Adi Dravidar Welfare Elementary School, Kattur - Pappakurichi, Thiruchirapalli, as per G.O.Ms.No.107, Personnel and Administrative Reforms (S) Department dated 03.09.2020.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.S.Arumugam
Government Advocate



ORDER

1. By consent, the writ petition is taken up for final disposal and is disposed of by this order.
2. Mr.S.Arumugam, learned Government Advocate accepts notice on behalf of the respondents.
3. This Writ Petition is filed for a direction calling for the entire records relating to the proceedings in Na.Ka.No.Ral/6461/2021 dated 10.05.2021 on the file of the 1st respondent herein and quash the same in so far as it relates to the petitioner herein and consequently direct the respondents herein to permit the petitioner herein to continue as Secondary Grade Teacher in the Government Adi Dravidar Welfare Elementary School, Kattur - Pappakurichi, Thiruchirapalli, as per G.O.Ms.No.107, Personnel and Administrative Reforms (S) Department dated 03.09.2020.
4. A perusal of the typed set of documents would reveal that on 16.02.2021, the petitioner was transferred to the Adi Dravidar Welfare, School at Kattur-Pappakurichi, Trichy and joined duty; On 10.05.2021, the 1st respondent issued the order including the name of the petitioner in the list of surplus teachers liable for transfer; On 24.05.2021, she submitted her representation for her retention in the present situation as a Caregiver of her differently able daughter and on 30.07.2021, the petitioner has filed this Writ Petition.
5. At this juncture, the learned counsel for the petitioner would submit that the petitioner may be permitted to submit a fresh representation to the 1st respondent in due course and that the same may be considered and orders passed by the 1st respondent within a time frame.
6. The learned Government Advocate for the respondents has submitted that in order to equalise the strength of the teachers in a school, the petitioner was given transfer.
7. Though the petitioners prayed for a larger relief, having regard to the limited scope of the prayer that is now sought for by the learned counsel for the petitioner before this Court, without expressing any opinion on the merits of the case, this Court permits the petitioner to submit a fresh representation to the 1st respondent within a period of one week from the date of receipt of a copy of this order and the 1st respondent, upon receipt of such representation from the petitioner, shall consider and dispose of the same on merits and in accordance with law,



within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner herein. Till then, the respondents shall not disturb the petitioner from the present position.

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8. The Writ Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gv

To

1.Commissioner of Adi Dravidar Welfare,
Chepauk, Chennai - 5.

2.District Adi Dravidar and Tribal Welfare Officer,
Trichy District.

3.Head Master,
Government Adi Dravidar Welfare Elementary School,
Kattur - Pappakurichi,
Thiruchirapalli.

+1cc to the Government Pleader, S.R.No.39730

+1cc to M/s.V.R.Rajasekaran, Advocate, S.R.No.39841

W.P.No.16541 of 2021

and

WMP.No.17509 & 17510 of 2021

SR II(CO)
KKV/13/08/2021