



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3934 of 2021

M.Anbarasu

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Secretariat, Chennai.

2.The Director of School Education,
Chennai.

3.The Joint Director of School Education (Personnel),
Chennai-6.

4.The Chief Educational Officer,
Thoothukudi District.

5.The Chief Educational Officer,
Tirunelveli District.

6.M.Rajkumar,
B.T.Assistant (Tamil),
Jawahar Government High School,
Tirunelveli Town,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to accept the mutual transfer applications made by the petitioner and M.Rajkumar i.e., 6th respondent herein dated 27.01.2021 so as to enable the petitioner and the 6th respondent herein to get mutual transfer.

For Petitioner : Mr.V.Panneer Selvam

For R-1 to R-5 : Mr.N.Shanmugaselvam
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents to
<https://hcservices.ecourts.gov.in/hcservices/>



accept the mutual transfer applications made by him and M.Rajkumar i.e., 6th respondent herein dated 27.01.2021 so as to enable the petitioner and the 6th respondent herein to get mutual transfer was not considered, the Writ Petition has been filed.

WEB COPY

3. It is needless to point out that whenever a representation/application of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the fourth respondent herein to consider the petitioner's mutual transfer application dated 27.01.2021, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the fourth respondent to consider the petitioner's mutual transfer application dated 27.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Secretary to Government,
School Education Department,
Secretariat, Chennai.

2.The Director of School Education,
Chennai.

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Chennai-6.

4.The Chief Educational Officer,
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5.The Chief Educational Officer,
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+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-7382[F] dated
25/02/2021)

W.P. (MD) No.3934 of 2021

24.02.2021

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kg (CO)

KK(11.03.2021) 3P 7C