



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.10594 of 2021

WEB COPY

C.Jaya

... Petitioner

vs.

1.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

2.The District Educational Officer,
Srivilliputhur,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 17.06.2021 and pass appropriate order to transfer the petitioner from Panchayat Union Middle School, Melakallankullam, Kariyapatty Union, Virudhunagar District to any of the existing vacancy available at Rajapalayam Union.

For Petitioner	: Mr.A.Chandrakumar
For Respondents	: Mr.K.S.Selva Ganesan Government Advocate

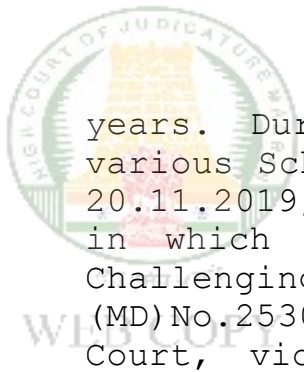
ORDER

The petitioner has filed the present Writ Petition, to direct the first respondent to consider her representation, dated 17.06.2021 and pass appropriate orders to transfer her from the Panchayat Union Middle School, Melakallankullam, Kariyapatty Union, Virudhunagar District, to any of the existing vacancy available at Rajapalayam Union.

2.Mr.K.S.Selva Ganesan, learned Government Advocate takes notice for the respondents.

3.By consent, the Writ Petition is taken up for final hearing at the stage of admission itself.

4.According to the petitioner, she was appointed as a Secondary Grade Teacher on 21.11.2001 and now, she is working in the Panchayat Union Middle School, Mellakallankulam, Kariyapatty Union, Virudhunagar District and she worked at 10th Ward Municipality Elementary School, Rajapalayam, for the past 19



years. During her service, she was transferred and posted to various Schools. Earlier, the first respondent, by an order, dated 20.11.2019, issued a transfer order to the petitioner, as the post in which the petitioner was working was declared as surplus. Challenging the same, the petitioner filed a Writ Petition in W.P (MD)No.25303 of 2019, before this Court on medical grounds. This Court, vide order, dated 10.12.2019, closed the Writ Petition giving liberty to the petitioner to make a fresh representation before the first respondent and directed the first respondent to refer the petitioner to a Medical Board to find out the status of her health condition. As per the order of this Court, dated 10.12.2019, the petitioner appeared before the Medical Board. According to the petitioner, the Medical Board gave report in her favour. The first respondent, by an order, dated 09.10.2020, transferred the petitioner to Panchayat Union School, Srivilliputhur and the abovesaid order was passed only for the Academic Year 2020-2021. After completion of the Academic Year, the petitioner was again sent to Melakallankulam Panchayat Union Middle School, Kariyapatti Union. Hence, the petitioner has given a representation, dated 17.06.2021, to the respondents to transfer her from the Panchayat Union Middle School, Melakallankulam, Kariyapatti Union, Virudhunagar District, to any of the existing vacancy available at Rajapalayam Union. So far no order has been passed. Hence, the petitioner has come out with the present Writ Petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

6. From the materials available on record, it is seen that while the petitioner was working at 10th Ward Municipality Elementary School, Rajapalayam, Virudhunagar District, she was transferred to the Panchayat Union Middle School, Melakallankulam, Kariyapatti Union, on the ground that the said post was declared as surplus. According to the petitioner, she is suffering from cancer and requested the respondents to transfer her in any of the vacancy available at Rajapalayam Union. As per the liberty given by this Court, by an order, dated 10.12.2019 in W.P(MD)No.25303 of 2019, the first respondent, by an order, dated 09.10.2020, transferred the petitioner to Panchayat Union School, Srivilliputhur and the abovesaid order was passed only for the Academic Year 2020-2021. After completion of the Academic Year, the petitioner was again sent to Melakallankulam Panchayat Union Middle School, Kariyapatti Union. Hence, the petitioner gave a representation, dated 17.06.2021, to the respondents requesting to transfer her from the Panchayat Union Middle School, Melakallankulam, Kariyapatti Union, Virudhunagar District, to any of the existing vacancy available at Rajapalayam Union. It is



the contention of the learned counsel appearing for the petitioner that the petitioner was referred to the Medical Board, as per the direction of this Court and the Medical Board has given report in her favour.

7. Considering the above facts and that the petitioner is suffering from cancer, the respondents are directed to consider the representation of the petitioner, dated 17.06.2021, sympathetically, taking into account the report of the Medical Board and pass orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ps

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.

To

1. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

2. The District Educational Officer,
Srivilliputhur,
Virudhunagar.

+1 CC to M/s.A.CHANDRAKUMAR, Advocate (SR-20408[F] dated 28/06/2021)

+1 CC to M/s.SPL GP (SR-20449[F] dated 28/06/2021)

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25.06.2021

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