



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) No.12347 of 2021

and

W.M.P (MD) No.9697 of 2021

G.S.Asha Raj

... Petitioner

vs.

1. The Joint Director of School Education (Personnel),
O/o.The Joint Director of School Education (Personnel),
DPI Campus,
Chennai - 6.

2. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to directing the first respondent to provide request transfer to the petitioner to the post of B.T Assistant in Mathematics at Government High School, Vellamadam, Nagercoil, Kanyakumari District by considering the disability of the petitioner's child in the light of the guidelines issued by the Government vide Letter No.23847/S/98-1, dated 05.08.1998.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.K.S.Selvaganesan
Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the first respondent to provide the request for transfer to her to the post of B.T Assistant (Mathematics) at Government High School, Vellamadam, Nagercoil, Kanyakumari District, by considering the disability of her child, in the light of the guidelines issued by the Government vide Letter No.23847/S/98-1, dated 05.08.1998.

2.According to the petitioner, initially, she was appointed as B.T Assistant (Maths) at Government High School, Mudaliyarpatti, Tirunelveli District and she was rendering her services in the post from 07.02.2008 onwards in Tenkasi District. The petitioner has to take care of her mentally retarded daughter-H.A.Deepthi, (80% mental), who requires the petitioner's assistance for all her day-to-day activities and the petitioner's daughter require constant



care of the petitioner. Since the abovesaid School is far away from her residence, the petitioner sent a representation to the first respondent, dated 29.10.2020. Based on the same, the petitioner was permitted to transfer on deputation to the post of B.T Assistant (Maths) at Government High School, Vellamadam, Nagercoil. Now, the first respondent issued proceedings, informing to transfer all the employees, who are in deputation, back to the parent place. Seeking transfer, the petitioner sent a representation, dated 30.06.2021 to the respondents and the same has not been considered so far. Hence, the petitioner has come out with the present Writ Petition.

3.The learned counsel appearing for the petitioner submitted that the Government by Letter No.23847/S/98-1, dated 05.08.1998, issued guidelines to follow while effecting transfers of physically handicapped employees and employees having mentally retarded or physically handicapped children and also in G.O.Ms.No.107, Personnel and Administrative Reforms Department, dated 03.09.2020, granted exemption from the routine exercise of transfer subject to administrative constraints during the transfer period namely between 1st April and 31st May every year.

4.The learned counsel appearing for the petitioner further submitted that the petitioner is entitled to the benefits mentioned in Government Letter No.23847/S/98-1, dated 05.08.1998 and G.O.Ms.No.107, Personnel and Administrative Reforms Department, dated 03.09.2020 and prayed for allowing the Writ Petition.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6.Considering the above facts and the contention of the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents, without deciding the issue on merits, the first respondent is directed to consider the representation of the petitioner, dated 30.06.2021, taking into account the Government Letter No.23847/S/98-1, dated 05.08.1998 and G.O.Ms.No.107, Personnel and Administrative Reforms Department, dated 03.09.2020 and earlier transfer of deputation and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// 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 Joint Director of School Education (Personnel),
O/o.The Joint Director of School Education (Personnel),
DPI Campus,
Chennai - 6.
2. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Kanyakumari District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-23672[F] dated 23/07/2021)

+1 CC to M/s. SPL GP (SR-23721[F] dated 23/07/2021)

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RC (30.07.2021) 3P-5C