



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.7992 of 2019

WEB COPY

D.V.Sunil

... Petitioner

-vs-

The Director of School Education
D.P.I.Campus
College Road, Nungambakkam
Chennai-600 006

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the respondent herein in Na.Ka.No.072269/W2/E1/2018, dated 22.02.2019, quash the same and direct the respondents to transfer the petitioner from Government Higher Secondary School, Pottagavayal, Ramanathapuram District to any Higher Secondary School in Kanyakumari District as per the representation dated 25.06.2018.

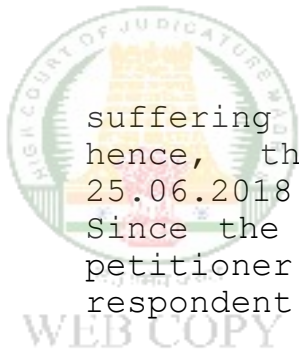
For Petitioner: Ms.J.Anandhavalli

For Respondent: Mr.S.Shanmugavel
Government Counsel

O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order, dated 22.02.2019, passed by the respondent and to direct the respondent to transfer the petitioner from the Government Higher Secondary School, Pottagavayal, Ramanathapuram District to any Higher Secondary School in Kanyakumari District, based on his representation dated 25.06.2018.

2. According to the petitioner, on 02.09.2010, he was appointed as P.G.Assistant (Physics) in the Government Higher Secondary School, Karuvakurichi, Tiruvarur District. Subsequently, during 2014, he was transferred to the Government Higher Secondary School, Pottagavayal, Ramanathapuram District. Since the petitioner was found difficult to take care of his family at Kanyakumari, on 21.07.2016 he applied for transfer from Ramanathapuram District to any Higher Secondary School in Kanyakumari, Tirunelveli and Thoothukudi District. Subsequently, the petitioner's daughter was



suffering from autism and the disability was assessed at 60% and hence, the petitioner submitted another representation dated 25.06.2018 indicating his daughter's illness as one of the grounds. Since the representation was not considered and kept pending, the petitioner filed W.P.(MD) No.15260 of 2018 seeking direction to the respondent to consider his representation dated 25.06.2018.

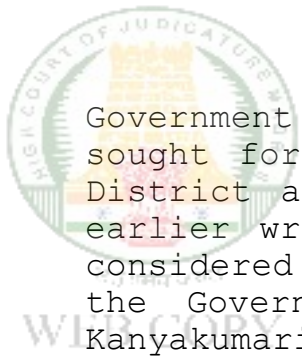
3. This Court, on considering the submissions made by the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondent, by order dated 16.07.2018, disposed of the writ petition by directing the respondent to consider the petitioner's representation dated 25.06.2018 and to pass orders to that effect on merits, within a period of four weeks. Subsequently, on filing contempt petition by the petitioner for non-compliance of the orders and directions issued by this Court in the aforesaid writ petition, the respondent has passed the impugned order rejecting the request of the petitioner for transfer stating that since the counselling for transfer for the year 2018-2019 was completed, he shall participate in 2019-2020 counselling and get his grievance redressed, if he is found otherwise eligible as per the Government Order that would be issued. Challenging the said order, the petitioner has filed the present writ petition.

4. The learned Government Counsel appearing for the respondent submitted that based on the representation submitted by the petitioner, he has been transferred to Chenbagaramanputhoo in Kanyakumari District and presently he is working in Government Higher Secondary School at Chenbagaramanputhoo and therefore, nothing survives for consideration in this writ petition.

5. At this juncture, the learned counsel appearing for the petitioner submitted that on 11.04.2019, when the matter came up for hearing, it was reported that there was a vacancy in the Government Higher Secondary School at Thuckalay and therefore, as an interim measure, this Court directed the petitioner to be posted in the said vacant place. However, without complying with the said order of this Court, the petitioner has been transferred to Chenbagaramanputhoo.

6. By way of reply, the learned Government Counsel submitted that since there was no vacancy in Thuckalay, the petitioner was posted in Chenbagaramanputhoo. That apart, the petitioner sought for transfer in any Higher Secondary School in Kanyakumari District. In such circumstances, at present, the grievance of the petitioner has been redressed.

7. After hearing the learned counsel on either side, this Court is of the view that as rightly pointed out by the learned



Government Counsel appearing for the respondent, the petitioner sought for transfer to any Higher Secondary School in Kanyakumari District and based on the directions issued by this Court in the earlier writ petition filed by the petitioner, the respondent has considered the petitioner's representation and transferred him to the Government Higher Secondary School, Chenbagaramanputhooor in Kanyakumari District. In such circumstances, the grievance of the petitioner has been redressed and nothing survives for consideration in this writ petition and the writ petition is therefore liable to be dismissed..

8. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk

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:

The Director of School Education,
D.P.I.Campus,
College Road, Nungambakkam,
Chennai-600 006.

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-28018[F] dated 02/09/2021)