



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13762 of 2021

and

W.M.P(MD) Nos.10750 and 10751of 2021

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Jesu Gifty Bala

... Petitioner

Vs.

1.The Director,
Department of Welfare of Differently Abled Persons,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai - 600 005.

2.The Head Master,
Government High School for Hearing Impaired,
Thattampatti Road,
Sulakkaraj Medu,
Virudhunagar District.

3.The Head Master,
Government High School for Hearing Impaired,
Suriyampalayam,
Erode District.

4.Grace Gnanamani,
Secondary Grade Teacher,
Government High School for Hearing Impaired,
Thanjavur.

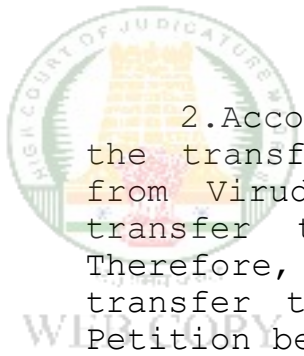
... Respondents 1 to 4

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order of transfer dated 19.07.2021 made in Se.Mu.A.No.2228/C.P.3/2019 on the file of 1st respondent and set aside same as illegal.

For Petitioner : Mr.R.Gandhi
For Respondents : Mr.S.Shanmugavel,
Counsel for State,
For R1 to R3.

ORDER

The writ petition is filed to challenge the impugned order of transfer dated 19.07.2021 made in Se.Mu.A.No.2228/C.P.3/2019 on the file of the first respondent .



2. According to the petitioner, the first respondent has passed the transfer order dated 19.07.2021, transferring the petitioner from Virudhunagar to Erode within 1 ½ years from her earlier transfer to accommodate the fourth respondent in her place. Therefore, there is malice on the part of the first respondent to transfer the petitioner to Erode. Hence she has filed the Writ Petition before this Court.

3. A Counter affidavit has been filed by the first respondent. In paragraph 4 of the counter affidavit, it is stated that due to administrative reasons, the petitioner was transferred from Virudhunagar to Erode, wherein it is also stated that there are 10 sanctioned posts of Secondary Grade Teacher, out of which, only 3 posts were filled up and the remaining are vacant. It is further stated that the petitioner is the junior most in the Secondary Grade Teacher post. In the counter affidavit, it is also stated that there is no vacancy in Virudhunagar for Secondary Grade Teacher Post due to the fourth respondent transferred on 28.07.2021. If the petitioner is willing to join any other school where there is vacancy, the same will be considered based on the representation made by petitioner to the authority.

4. The learned counsel for the petitioner would submit that in view aforesaid statement made in the counter affidavit by the respondents, according to him there is vacancy in Pudukottai District. Therefore, the petitioner will make application for the vacancies in Pudukottai District.

5. In view of the aforesaid submissions made by the parties concerned and recording the statement made in the counter affidavit, this Court is inclined to pass the following order:

i) the writ petitioner shall submit the representation to the first respondent within a period of one week from the date of receipt of a copy of this order for seeking for transfer her choice in the nearby District.

ii) If such representation is made, the first respondent shall consider, if there is any vacancy and accommodate the petitioner in the aforesaid vacancies as stated in the counter affidavit.

iii) Meanwhile, without prejudice to the right of the petitioner, she shall join duty at Erode.

iv) the writ petition is disposed of with the above directions. If such representation is submitted, the first respondent shall pass orders within a period of three weeks from the date of her representation. No cost.



6.Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

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 Director,
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No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai - 600 005.

2.The Head Master,
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4.Grace Gnanamani,
Secondary Grade Teacher,
Government High School for Hearing Impaired,
Thanjavur.

+1 CC to M/s.R.GANDHI, Advocate (SR-28403[F] dated 07/09/2021)

+1 CC to M/s.GP (SR-28346[F] dated 07/09/2021)

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RS (29.09.2021) 3P 7C