



WEB COPY

W.P.(MD)No.20888 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.20888 of 2017

and

W.M.P. (MD)No.18306 of 2018

S.Bavatharani

... Petitioner

vs.

1.The Director of Elementary Education,
Office of the Director of Elementary
Education,
DPI Campus,
College Road, Chennai.

2.The Joint Director of Elementary
Education,
Office of the the Joint Director of Elementary
Education,
DPI Campus,
College Road, Chennai.

3.The District Educational Officer,
District Education Office,
Tiruppur.

4.The District Elementary Educational Officer,
District Elementary Education Office,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the fourth respondent herein, in ஓ.மு.எண்.2270/ஆ2/2017, dated .09.2017 and to quash the same and further to direct the first respondent herein to transfer the petitioner in the vacant place at Chinnamanur Panchayat Union School, Kuchanur, Theni District or any other near to petitioner's native place in the light of the letter in Letter (Ms)No.92/S/09, dated 22.07.2009, within a time stipulated by this Court.

For Petitioner : Mr.S.A.Ganapathyraman

For Respondents : Mr.J.K.Jayaselan
Government Advocate



ORDER

This petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the fourth respondent herein, in ஓ.மு.எண்.2270/ஆ2/2017, dated .09.2017 and to quash the same and further to direct the first respondent herein to transfer the petitioner in the vacant place at Chinnamanur Panchayat Union School, Kuchanur, Theni District or any other near to petitioner's native place in the light of the letter in Letter (Ms)No.92/S/09, dated 22.07.2009, within a time stipulated by this Court.

2.The facts of the case are that the petitioner is 65% permanent disabled person under the category of orthopedically handicapped. The petitioner was appointed as Secondary Grade Teacher in Panchayat Elementary School on 14.12.2009. After the bifurcation of districts, a new district, namely, Tiruppur was formed in the year 2010 and the petitioner was posted in Tiruppur District for the past seven and half years. The petitioner's husband working in Markkayyankottai Town Panchayat Office, Uthamapalayam Taluk and she has eight year old daughter. Being physically handicapped, the petitioner is finding it difficult to travel from her native to Tiruppur district.

3.The petitioner participated in the General Transfer Counselling for the years 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2017-2018. But, she could not get the transfer to her native place. In the impugned order, it is stated that for the academic year 2017-2018, the General Transfer Counselling was not conducted. Therefore, her application could not be considered for transfer.

4.Heard Mr.S.A.Ganapathyraman, learned Counsel appearing for the petitioner and Mr.J.K.Jayaselan, learned Government Advocate appearing for the respondents.

5.This Court without going into the merits of the case has passed the following order.

6.The petitioner shall submit a fresh representation to the first respondent along with the available vacancy in Theni District. The petitioner shall submit the representation along with a copy of this order. The first respondent shall consider the case of the petitioner sympathetically and pass order. If possible post the petitioner in the available vacancy based on the category of physically challenged persons.

7.It is submitted by the learned Counsel appearing for the petitioner that the respondents are taking steps to fill up the vacancy in December 2021. Therefore, the respondents are directed to consider the case, while considering to fill up the vacancy.



8. Accordingly, the Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Tmg

To

1. The Director of Elementary Education,
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4. The District Elementary Educational Officer,
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Theni.

+1 CC to M/s.S.A.GANAPATHYRAMAN, Advocate (SR-39373[F] dated
17/12/2021)

+1 CC to M/s.SPL GP (SR-39518[F] dated 20/12/2021)

W.P. (MD) No. 20888 of 2017
17.12.2021

MGJ(20.12.2021) 3P 7C