



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

W.P. (MD) No. 4743 of 2022

C.Jaya

... Petitioner

Vs.

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

2. The District Educational Officer,
Srivilliputhur,
Virudhunagar.

3. The Joint Director,
Elementary Education,
Administration / Nirvaham,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 29.01.2022 and pass appropriate order to transfer the petitioner from Panchayat Union Middle School, Melakallankulam, Kariyapatty Union, Virudhunagar District to any of the regular vacancy available at Rajapalayam Union, with in a stipulated time as may be fixed by this Hon'ble Court.

For Petitioner	:	Mr.A.Chandrakumar
For Respondents	:	Mr.G.V.Vairam Santhosh Additional Government Pleader

O R D E R

The relief sought for in the present Writ Petition is to direct the first respondent to consider the petitioner's representation dated 29.01.2022 and pass appropriate order to transfer the petitioner from Melakallankulam, Kariyapatty Union to Rajapalayam Union.

2. The contention of the petitioner is that she was working in Panchayat Union Middle School, Melakallankulam, Kariyapatty Union and she is temporarily transferred and working as Secondary Grade Teacher at 10th Ward Municipality Elementary School, Rajapalayam. Earlier, she was appointed on 21.11.2001. During her service, she was transferred and posted to various Schools. On 03.06.2019, she was transferred to Therukku Venganallur Panchayat Union Middle School, which was 10 kms away. Again she was



transferred to Rajapalayam on 28.06.2019. The first respondent issued a transfer order dated 20.11.2019 to the Kariyapatti Union treating the petitioner as surplus teacher. The petitioner is a cancer patient and undergoing medical treatment and she is under homeopathy treatment. Since the petitioner was transferred frequently from one place to another for three times from June 2019 itself, she was undergoing stress due to the transfer. Further, the deployment of surplus teachers is made only just before General Counselling whereas the present surplus transfer was made during non-transferable period. Aggrieved over the same, the petitioner filed the Writ Petition in W.P. (MD) No. 25303 of 2019 and this Court vide order dated 20.11.2019 directed the respondents to consider the representation and pass orders.

3. Now at present, the petitioner is serving at 10th Ward Municipality Elementary School, Rajapalayam Union, Virudhunagar District and she is working under deputation. In recent counselling which was held in February 2022, the petitioner participated in the counselling, but there was no vacancy. Therefore, the petitioner could not avail any transfer opportunity.

4. The apprehension of the petitioner is that since the deputation order is a temporary order, the petitioner will be again posted to Kariyapatty Union at any time. This would be hindering the petitioner's treatment for cancer.

5. The respondents submitted that it is a deputation order and the same will always be used temporarily only and her original files would be with Kariyapatty Union. The petitioner would be directed to sign the Register, which is kept in Kariyapatty Union. The petitioner would be posted in the Rajapalayam Union as and when the vacancy arises and only then the petitioner would be in Rajapalayam Union itself, i.e., in the present place itself.

6. Therefore, this Court is recording the said statement and directing the respondents not to disturb the petitioner from the present School. However, as and when the permanent vacancy arises in the Rajapalayam Union, the respondents are directed to post the petitioner in the same place.

7. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

vji



To

1. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
2. The District Educational Officer,
Srivilliputhur,
Virudhunagar.
3. The Joint Director,
Elementary Education,
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Chennai.

+1 CC to M/s.A.CHANDRAKUMAR, Advocate (SR-13094[F] dated 18/03/2022

+1 CC to M/s.SPL GP (SR-12979[F] dated 18/03/2022)

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CK (CO)

KB (05.04.2022) 3P 6C