



WP(MD)No.14895 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14895 of 2022
and
W.M.P.(MD) No.10649 of 2022

C.Yesurajan

... Petitioner

Vs.

The Commissioner of School Education
DPI Campus,
College Road,
Nungambakkam,
Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 05.07.2022 and direct the respondent to grant an order of transfer and to appoint the petitioner in anyone of the vacancies in Government High Schools at Kanyakumari District, Nagercoil Education District (1) Government Higher Secondary School, Putheri (2) Government Higher Secondary School, Vellamadam,



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Thiruvattar Education District (3) Government Higher Secondary School,
Utharancode, (4) Government Higher Secondary School,
Thirunanthikarai, (5) Government Higher Secondary School,
Kalliyakkavilai.

For Petitioner : Mr.M.R.Sreenivasan
For Respondent : Mr.V.Nirmal Kumar,
Government Advocate

ORDER

This writ petition has been filed seeking a writ of Mandamus to direct the respondent to consider the petitioner's representation, dated 05.07.2022 and direct the respondent to grant an order of transfer and to appoint the petitioner in anyone of the vacancies in Government High Schools at Kanyakumari District, Nagercoil Education District (1) Government Higher Secondary School, Putheri (2) Government Higher Secondary School, Vellamadam, Thiruvattar Education District (3) Government Higher Secondary School, Utharancode, (4) Government Higher Secondary School, Thirunanthikarai, (5) Government Higher Secondary School, Kalliyakkavilai.



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2. The learned counsel for the petitioner submitted that the petitioner is working as Headmaster in Nallankulam Government High School at Virudhunagar District. His wife Austy Franklet, had met with an accident in the year 2015 and suffering from spinal cord pain (IVDP L5-S1 with left Radiculopathy) and she has been taking continuous treatment for the same from the year 2015 at Dr.Jeyasekaran Hospital and Susrusha Hospital. Vitamin D3 level is very low to his wife and Doctor also diagnosed that bone density level of his wife is very low and bones are weak. Doctors advised that surgery is the only remedy to recover his wife from the illness. That apart, his eldest daughter Blessy, is studying XII standard in Belfield Matric Higher Secondary School and younger daughter Blessvin Binha, is studying in VIII standard. His presence is required for his wife and for his school going daughters, for taking care of his wife's medical treatment and also the educational requirement of school going daughters, especially for XII standard studying daughter.

3. The learned counsel for the petitioner further submitted that the petitioner understand that there are several vacancies of Headmaster post at Kanyakumari District is vacant in (1) Government



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High School at Ozhuginachery (Nagercoil Educational District), (2) Government High School at Moolachi (Thuckalay Educational District), (3) Government High School at Vadakkuthamaraikulam (Nagercoil Educational District), 4) Government High School at Villunnikkonam (Thiruvattar Educational District), 5) Government High School at Thirunanthikarai, (Thiruvattar Educational District) and 6) SLB Government High School at Nagercoil Educational District. He submitted a representation dated 05.07.2022 for considering his request for transfer in anyone of these High Schools. No order has been passed on his request. Therefore, this writ petition has been filed.

4. Mr.V.Nirmal Kumar, learned Government Advocate takes notice on behalf of the respondent submitted that the petitioner had participated in the counselling held on 03.02.2022 and expressed his unwillingness to take the available post.

5. In reply to the statement, learned counsel for the petitioner submitted that the petitioner could not take the post in the counselling for the reason that there was no vacancy shown in Kanyakumari District.



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His specific request is that he seeks transfer in any of the schools in Kanyakumari District for giving treatment to his wife and be with his elder daughter, who is studying XII standard.

6. Considering the genuineness of the claim made by the petitioner, which is supported by the medical records, this Court directs the respondent to consider the petitioner's representation, dated 05.07.2022, and pass appropriate orders, if necessary subject to the petitioner's wife to medical examination to check the genuineness of the claim, for passing orders. The entire exercise shall be completed within a period of eight 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.

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Index : Yes / No
Internet : Yes / No
RM



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G.CHANDRASEKHARAN, J.

RM

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