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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2707 of 2023

Rahula Devi

Petitioner

vs.

1.State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of Higher Education,
Secretariat, Chennai – 600 009.

2.The Director,
Directorate of Technical Education,
Guindy,
Chennai – 600 025.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent vide his letter No. 35278/D4/2022 dated 22.09.2022 and quash the same and consequently direct the Respondents to transfer the petitioner from Government Polytechnic College, Jolarpet, Thirupatthur to any of the Government offices in and around the Puvanagiri, Cuddalore District, on medical and humanitarian grounds, within the time limit to be stipulated by this Court.

For Petitioner : Mr.N.P.Siva Chakravarthi

For Respondent : Mr.D.Ravichander
Special Government Pleader

**ORDER**

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This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 22.09.2022, wherein, the request made by the petitioner for voluntary transfer from Government Polytechnic College, Jolarpet, to any other Government office was rejected by the 2nd respondent on the ground of non-availability of vacancy.

2. Heard Mr.N.P.Siva Chakravarthi, learned counsel appearing on behalf of the petitioner and Mr.D.Ravichander, learned Special Government Pleader appearing on behalf of the respondents.

3. The case of the petitioner is that she was initially appointed as a Record Clerk in Annamalai University and she was working till the year 2020, when she was ultimately transferred. This transfer took place after the Government of Tamil Nadu took over Annamalai University and many staffs were found to be surplus and those staffs were transferred to other Government Departments. The grievance of the petitioner is that she was transferred to Polytechnic College, Jolarpet and and she has completed three years of service. According to the petitioner, she has living away from her family for more than three years and she is also facing some health ailments. The petitioner states that she has



nobody to take care of her and hence, representation was made on 27.12.2021, requesting for transferring the petitioner to any Department in and around Puvanagiri/Cuddalore District. This request was made by the petitioner more on humanitarian and medical grounds.

4.The 2nd respondent through the impugned proceedings dated 22.09.2022, rejected the request made by the petitioner on the ground that no vacancy is available in order to accommodate the petitioner in the places where the petitioner had opted in her representation. Aggrieved by the same, the present writ petition has been filed before this Court.

5.In the considered view of this Court, the petitioner has been living away from her family for more than three years and in the place in which she is serving presently, she has no one to take care of her. It is seen from records that the petitioner is also having certain ailments, which requires due care.

6.The 2nd respondent has considered the representation made by the petitioner and it was found that no vacancy was available in the places where the petitioner was seeking for transfer. Hence, the 2nd respondent has informed the petitioner that as and when any vacancy arises, the request made by the petitioner will be considered.



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7. The impugned proceedings of the 2nd respondent, dated 22.09.2022, as such does not require any interference of this Court. The 2nd respondent can entertain the request made by the petitioner only if there is a vacancy and in the absence of the same, there is no scope for the respondents to accede to the request. It is made clear that the petitioner will be at liberty to make a fresh representation to the respondents and the petitioner can seek for transfer to some other place and even to some other department, wherever the petitioner can be accommodated. The respondents shall act upon such a representation depending upon the availability of vacancy and also of the fact that the petitioner satisfies the requirement, if in case the petitioner has to be accommodated in any other Department. The case of the petitioner shall be considered on humanitarian and medical grounds and the petitioner shall be given some relief in the nearest future.

8. This writ petition is disposed of with the above direction. No Costs.

06.02.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order



Neutral Citation Case : Yes/No
ssr

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Department of Higher Education,
Secretariat, Chennai – 600 009.
2. The Director,
Directorate of Technical Education,
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N. ANAND VENKATESH, J.

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