



W.P.(MD).No.16924 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16924 of 2023

Sheela Wincy

... Petitioner

Vs.

1.The Director of School Education (Personnel),
E.V.K. Sampath Maligai,
DPI Compound,
College Road,
Chennai-600 006.

2.The Joint Director of School Education (Personnel),
E.V.K. Sampath Maligai,
DPI Compound,
College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Education Department,
Pudukkottai,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 12.06.2023 made to consider her transfer to the Post of B.T. Assistant (Maths) either to anyone of the Government Schools at Kanyakumari District or Tirunelveli District.



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For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents 1 and 2 to consider the petitioner's representation, dated 12.06.2023 made to consider her transfer to the Post of B.T. Assistant (Maths) either to anyone of the Government Schools at Kanyakumari District or Tirunelveli District.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate for the respondents and carefully perused the materials available on record.

3. The petitioner is working as B.T. Assistant (Maths) at RTA Government School, Vallathiraikottai, Pudukkottai District. She was originally appointed as DRTE Block Resource Teacher at Aranthangi and thereafter, transferred to Thovalai at Kanyakumari District. However, suddenly



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to her shock, she was transferred to a distant place at Pudukkottai vide transfer order, dated 15.09.2021. In view of the same, hailing from the District of Kanyakumari, her family is placed in Kanyakumari and her mother is also an ailing patient, who is bed ridden and she is also separated from her husband and is a single mother. Since the condition of her mother has become worse, it is very much important for her to get transfer immediately from Pudukkottai to any of the available vacancy at Kanyakumari District. Hence, she made a representation on 12.06.2023, seeking to transfer her from the post of B.T. Assistant (Maths) to any one of the Government School at Kanyakumari District. However, the said representation was not considered. Hence, this writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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5. Hence, this Court is inclined to direct the second respondent to consider the petitioner's representation, dated 12.06.2023 and thereafter, transfer her to the post of B.T. Assistant (Maths) in any of the available vacancy in the Government Schools at Kanyakumari District within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. This writ petition stands disposed of, accordingly. There shall be no order as to costs.

27.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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3.The Chief Educational Officer,

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L.VICTORIA GOWRI, J.

BTR

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