



W.P(MD)No.20306 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.20306 of 2023

S.Senthil Kumar,
Secondary Grade Assistant,
Panchayat Union Primary School,
T.Karisalkulam,
Narikudi Union,
Virudhunagar District.

...Petitioner

Vs.

The Director,
Primary School Education,
College Road,
Chennai-06.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to accept the application submitted by the petitioner, dated 14.06.2023 and issue transfer order on mutual basis by considering his representation, dated 14.07.2023.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate



W.P(MD)No.20306 of 2023

ORDER

The present writ petition has been filed seeking direction to the respondent to accept the application submitted by the petitioner, dated 14.06.2023 and issue transfer order on mutual basis by considering his representation, dated 14.07.2023.

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

3. The petitioner is serving as a Secondary Grade Assistant at Veelaneri Primary School, Virudhunagar District. One Mrs.B.Usha @ Kalpana is working at Panchayat Union Primary School, Ettankulam, Manur Union, Tirunelveli District. The petitioner and the said Mrs.B.Usha @ Kalpana have made an application seeking to be transferred mutually. The said application for transfer are in proper format and hence, the same has been appropriately considered by the respondent authorities. But the orders are yet to be passed. In view of the same, this writ petition came to be filed.



W.P(MD)No.20306 of 2023

WEB COPY

4. The learned Government Advocate appearing for the respondent submitted that the transfer counselling for these academic years, transfer process has been completed by the month of June 2023 itself and though the application has been sent through proper channel and is pending before the respondent for appropriate action for the time being, the same cannot be considered. In view of the same, the learned Government Advocate pressed for dismissing this writ petition, considering the fact that the said Mrs.B.Usha @ Kalpana's husband is a Cancer patient and the application which has been made by the petitioner and the said Mrs.B.Usha @ Kalpana are applications for transfer by mutual consent.

5. This Court is of the considered view that no difficulty or inconvenience could be caused to either the competent authority or any other teachers by effecting the said transfer. In view of the same, this Court hereby direct the respondent to act upon the application for mutual transfer, dated 14.06.2023, which is pending before him and issue transfer orders on mutual basis to both the petitioner as well as Mrs.B.Usha @ Kalpana considering the petitioner's representation, dated 14.07.2023 and pass appropriate orders in accordance with law, within a period of twelve (12)



W.P(MD)No.20306 of 2023

weeks from the date of receipt of a copy of this order. It is pertinent to mention here that the concerned District Educational Officer's of the respective Districts of Tirunelveli and Virudhunagar have already accorded appropriate permission and forwarded the applications to the Director's Office.

6. With the above said observation, this Writ Petition stands allowed.

There shall be no order as to costs.

05.09.2023

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

To

The Director,
Primary School Education,
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W.P(MD)No.20306 of 2023

L.VICTORIA GOWRI, J.,

Sml/BTR

W.P(MD).No.20306 of 2023

05.09.2023