



W.P(MD)No.16446 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.16446 of 2016
and W.M.P(MD)Nos.12009 and 12010 of 2016

Thangam

...Petitioner

Vs.

1. The Director,
Elementary Education,
College Road,
Chennai – 6.

2.The District Elementary Educational Officer,
Sivagangai District,
Sivagangai.

3.The Assistant Elementary Educational Officer,
Elayankudi Block,
Elayankudi,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus to call for the impugned order dated 19.08.2016 made in Na.Ka.No.20514/D2/2016 passed by the 1st respondent and quash the same as devoid of merits and consequently direct the 1st respondent to give preferential transfer to the petitioner under



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general category from the existing place namely Kalathoor Panchayat Union, Primary School, Elayankudi Union, Sivagangai District to any other place within the District of Kanyakumari District preferably to the nearby place of her native Gursady, Kanyakumari District forthwith.

For Petitioner : Mr.S.Palani Velayutham
For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

This Writ Petition is filed against the proceedings issued by the 1st respondent in Na.Ka.No.20514/D2/2016 dated 19.08.2016 and for a consequential direction to the first respondent to give preferential transfer to the petitioner under General Category from the existing place namely, Kalathoor Panchayat Union, Primary School, Elayankudi Union, Sivagangai District, to any other place within the District of Kanyakumari District preferably to the nearby place of her native Gursady, Kanyakumari District forthwith.



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2. The case of the petitioner is that she is working as the Secondary Teacher at Panchayat Union Primary School, Kalathoor, Elayankudi Village, Sivagangai District. Her husband was an employee in the private concern at Chennai. He met with an accident in the year 2018 and he died leaving behind the petitioner and two sons. As the only bread winner of the family died in the accident and left the entire family into lurch, even now the family is not able to cope up with the routine work in view of the sudden death of the husband of the petitioner.

3. In the year 2009, the name of the petitioner was sponsored by the employment exchange for the appointment of Secondary Grade Teacher under the quota of destitute widow lady. After completion of all other legal formalities, she was appointed as Teacher on 14.12.2009 at Panchayat Union School, Valaipanthar Colony, Thimiri Block, Vellore District. From 2009 onwards till 2014, she has been working in the said school as Teacher. In the



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year 2014, she was transferred to Karur under general transfer and till 2015, she worked at Karur District. Again in the year 2015, she was transferred to Sivagangai District and presently working at Panchayat Union Primary School, Kalathoor, Eleayankudi Block, Sivagangai District.

4. The first son of the petitioner is studying Engineering at Coimbatore. The 2nd son is the student of Ponsesili Engineering College, Nagercoil, Kanyakumari District. The petitioner's native place is Gurusadi, Kanyakumari District. When the petitioner was a small girl, her parents died leaving behind her as an orphan and the petitioner has no brothers and sisters. After the death of her parents, a Christian Orphanage came in her rescue and inducted her in their home as an orphan. The grievance of the petitioner is that she is residing lonely in a far away place and nobody is there to take care of her family interest.



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5. Under these circumstances, the petitioner made a representation to the respondents to transfer her to any place in Kanyakumari District. The said request is negatived by the respondents advising her to participate in the counselling and her name was included in the seniority list and it will be considered as and when turn of the petitioner comes. Aggrieved by the same, this Writ Petition is filed.

6. On behalf of the respondents, a counter affidavit has been filed.

7. It is averred in the said counter affidavit that as per the Government's instructions prevailing as on date with regard to transfer of Teachers, the respondents are maintaining a seniority list who are seeking transfers under the Special Categories like Widows, Handicapped and those teachers who are having special children. Basing on the seniority of the list only, the representation of the



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petitioner will be considered and as such, the respondents contend that there is no illegality or irregularity in passing the impugned order.

8. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

9. During the course of hearing, the learned Government Advocate placed a proceedings issued by the Joint Director, the Directorate of Elementary Education, Chennai. On a perusal of the same, it appears that the petitioner is posted as Teacher in Kanyakumari District on deputation till the end of the present academic year. The learned Government Advocate submits that considering the facts and circumstances of the present issue, the Joint Director, the Directorate of Elementary Education, Chennai, issued the said proceedings to do some justice to the petitioner.

10. This Court gave anxious consideration to the submissions made on either side.

11. In view of the fact that the Joint Director, the Directorate of Elementary Education, Chennai, has issued an order



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dated 12.07.2023, posting the petitioner on deputation in Kanyakumari District till the end of this academic year, in the considered opinion of this Court, the Joint Director, the Directorate of Elementary Education, Chennai, can consider the request of the petitioner for future academic years also considering the pathetic condition of the petitioner.

12. Under these circumstances, without going into further merits of the case, in my considered view, it is appropriate to dispose of this Writ Petition placing the order dated 12.07.2023 issued by Joint Director, the Directorate of Elementary Education, Chennai, on record with a direction to consider the request of the petitioner for further academic years also to meet the ends of justice.

13. With the above mentioned reasons, this Writ Petition is disposed of basing the order dated 12.07.2023 on record with a direction to the Joint Director, the Directorate of Elementary Education, Chennai, to consider the request of the petitioner to



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continue her in Kanyakumari District for further academic years also in the interest of justice.

13. No costs.

14. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
NCC : Yes / No
CM

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4.The Joint Director, the Directorate of Elementary Education,
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BATTU DEVANAND, J.

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