



WEB COPY

W.P.No.8877 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8877 of 2021

T.Velu

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Petitioner

versus

1.Secretary to Government of Tamil Nadu,
Department of Higher Education,
Secretariat, Chennai - 600 009.

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

3.The Principal,
Dr.Dharmambal Government Polytechnic College for Women,
4th Cross Street,
Tharamani, Chennai - 600 113. ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated nil and received on 20.02.2021 and pass orders upon that representation in the light of the G.O.(Ms)No.107 Personnel and Administrative Reforms Department dated 03.09.2020 on humanitarian grounds.

For Petitioner : Mr.V.Ilanchezian
for Mr.M.Arun Kumar

For Respondents : Mr.K.Surendran



Additional Government Pleader

ORDER

WEB COPY Heard Mr.V.Ilanchezian, learned counsel for the petitioner and Mr.K.Surendran, learned Additional Government Pleader for the respondents and perused the materials available on record.

2. The petitioner is working as a driver in Annamalai University, Chidambaram from the year 2009. In the year 2013, due to some financial constraints, the Annamalai University was taken up by the State Government and the excessive non-teaching staffs were transferred to some other Government Colleges on deputation basis. In the year 2017, the 2nd respondent in his Proceedings dated 12.05.2017 transferred the petitioner from Annamalai University to the 3rd respondent College namely Dr.Dharmambal Government Polytechnic College for Women, Tharamani.

3. The petitioner reported duty before the 3rd respondent College on 17.05.2017 and worked there till 19.09.2018. The petitioner was again deputed to work as a driver to the Secretary of Higher Education Department. Hence the petitioner has filed this Writ Petition to consider his representation and transfer him back to Annamalai University in accordance



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with G.O.(Ms).No.107, Personnel and Administrative Reforms Department, dated 03.09.2020 and retain him there itself. It is learnt while the Writ Petition is pending, the petitioner has been transferred to Government Polytechnic College, Goduvalli, Cuddalore.

4. The petitioner has got a son, who is mentally retarded and assessed with 95% disability by the Medical Board, Cuddalore District. The Government Order has been issued in G.O.(Ms).No.107, Personnel and Administrative Reforms Department, dated 03.09.2020, following the earlier instructions given by the Government in Letter No.15210/94-1, Personnel and Administrative Reforms (Per.S) Department, dated 29.06.1994 for the Government Servants who have mentally retarded or differently abled children to get a transfer request. The petitioner has also produced a copy of the disability certificate issued to his son and that would show that his son has 95% disability due to this mental retardation.

Since the petitioner's case is eligible to be considered in accordance with G.O.(Ms).No.107, Personnel and Administrative Reforms Department, dated 03.09.2020, the respondents shall consider the representation of the



petitioner in this regard and pass suitable orders in accordance with the above Government Order, within a period of four (4) weeks from the date of receipt of a copy of this order and this Writ Petition is **disposed** accordingly.

No costs.

11.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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R.N.MANJULA, J.

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