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W.P.No. 7491 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7491 of 2024

R.Vinodh

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Petitioner

Vs

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,
Government Polytechnic College,
Uthangarai,
Krishnagiri – 635 207.

4. The Annamalai University,
Rep. by its Registrar,
Annamalai Nagar,
Chidambaram – 608 002.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned letter No.378/P No.2/2023 dated 08.06.2023 on the file of the second respondent herein and quash the



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same and consequently direct the second respondent to transfer the petitioner as Technical Assistant in and around Cuddalore on deputation or transfer him back to Annamalai University where he was originally appointed in the light of the Letter (Ms) No.92/S/09 dated 22.07.2009.

For Petitioner : Mr.V.Illanchezian
For R1 & R2 : Mr.K.Surender
Additional Government Pleader
For R4 : Mr.E.C.Ramesh
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 08.06.2023, thereby rejected the request made by the petitioner seeking transfer from Uthangarai to in and around at Cuddalore on deputation of transfer.

2. Heard Mr.V.Illanchezhian, learned counsel appearing for the petitioner, Mr.K.Surender, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.E.C.Ramesh, learned Standing Counsel appearing for the fourth respondent and perused the materials available on record.



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3. The petitioner was working as a Technical Assistant in Government Polytechnic College, Uthangarai, Krishnagiri District. He was originally appointed as Semi Skilled Helper in the year 2005 in the fourth respondent University. Thereafter, he was transferred due to surplus post to the Government Polytechnic College, Uthangarai, on an agreement basis for a period of three years.

4. The learned counsel appearing for the petitioner submitted that the petitioner is a handicapped suffering from Locomotor Disability to the tune of 50% and as such, the petitioner submitted a representation for re-transfer or deputation in and around at Cuddalore in any one of the Government College. Similarly placed persons were considered and transferred to the fourth respondent University.

5. On instruction, the learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that there is no vacancy available in and around Cuddalore in any of the Government College. That apart, the fourth respondent University was taken over by the Government as Annamalai University Act 2013 was enacted. It is coming under the State University and Government had appointed an



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Administrator to administer and manage the Annamalai University.

Thereafter, the Administrator had recommended to the Government for deputation of Surplus Non-Teaching Technical Staff of Annamalai University to Government Colleges in Tamil Nadu. Accordingly, the petitioner was transferred and posted as Technical Assistant in Government Polytechnic College, Uthangarai. The petitioner joined and now seeks for transfer on the ground of disability.

6. Due to non-vacancy, the representation submitted by the petitioner was not considered and as such, this Court finds no infirmity or illegality in the order passed by the second respondent. Accordingly, this Writ Petition stands dismissed. However, the petitioner is at liberty to make fresh representation and if any vacancy arise in future in Cuddalore the case of the petitioner will be considered for his transfer. Consequently, connected miscellaneous petition is closed. No costs.

21.03.2024

Internet : Yes/No

Index:Yes/No

Speaking Order/Non Speaking Order

Neutral Citation : Yes/No

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G.K.ILANTHIRAIYAN, J.

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