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W.P. No. 8715 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM

THE HON'BLE MR.JUSTICE D. BHARATHA CHAKRAVARTHY

W.P. No. 8715 of 2024

S. Vijaya Nirmala

..Petitioner

Vs.

1. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Additional Chief Secretary/
Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai 600 003.
3. The Education Officer,
Education Department,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.
4. The Secretary,
Teachers Recruitment Board,
Puratchi Thalaviar Dr.MGR
Centenary Building,



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3rd and 4th Floor, College Road,
Nungambakkam,
Chennai 600 006.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to consider the representation submitted by the petitioner dated 24.01.2024 for appointment as Physical Education Teacher (P.E.T) in School Education Department in the existing vacancies in Tiruppur, by revising the allotment to Chennai Corporation Schools, in consideration of the age of the petitioner, within a time frame to be fixed by this Hon'ble Court.

For Petitioner :: Mr.G. Sankaran,
Senior Counsel for
Mr.S. Nedunchezhiyan

For Respondents :: Ms.S.Mythreyee Chandru,
Special Govt. Pleader (Edn.)
for R1
Mr.C. Kathiravan for R4

O R D E R

This writ petition is filed to consider the representation submitted by the petitioner dated 24.01.2024 for appointment as Physical Education Teacher (P.E.T.) in School Education Department in the existing vacancies



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in Tiruppur, by revising the allotment to Chennai Corporation Schools, in consideration of the age of the petitioner, within a time frame to be fixed by this Hon'ble Court.

2. The grievance of the petitioner is that she is a spinster and a native of Tiruppur. Therefore, it would be difficult for her to join at Chennai. Further, she is already aged 57 years and only a few years of service is left.

3. Per contra, learned Special Government Pleader appearing on behalf of the 1st respondent would submit that in respect of any transfer, firstly, the petitioner has to join at Chennai and only thereafter, she can seek transfer and depending upon the existing vacancies and exigencies of service, such humanitarian request can be entertained by the 1st respondent.

4. In response, the learned counsel for the petitioner would submit that only on completion of the probation period, the respondents will consider the petitioner's request and because of the same, the petitioner is making such a request at the threshold itself.

5. Be that as it may, it is fairly stated by both sides that the prayer of the petitioner is not based on any right. However, considering the



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attendant circumstances and the humanitarian grounds put forward by the petitioner, it is for the 1st respondent to consider the representation of the petitioner on its own merits and according to law and the policy of the Corporation. The petitioner would also be well advised to join duty immediately as the students would suffer without the teacher.

6. In view thereof, this writ petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 24.01.2024 within a period of 8 weeks from the date of receipt of a copy of this order. The petitioner is also at liberty to make a fresh representation along with a copy of this order to the 1st respondent within a period of one week from the date of receipt of a copy of this order. No costs.

02.04.2024

nv

To

1. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Additional Chief Secretary/
Commissioner,
Greater Chennai Corporation,

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D. BHARATHA CHAKRAVARTHY,J.

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