



W.P.No.14462 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.14462 of 2024 &
WMP.No.15736 of 2024

V.Balamurugan

..Petitioner

Vs.

- 1.The Director of School Education,
EVK Sampath Maaligai, DPI Campus,
College Road, Nungambakkam,
Chennai-6.
 - 2.The Joint Director of School
Education (Personnel), EVK Sampath
Maaligai, DPI Campus, College Road,
Nungambakkam, Chennai-6.
 - 3.The Chief Educational Officer,
O/o the Chief Educational Officer,
Theni District, Theni.
 - 4.The Chief Educational Officer,
O/o the Chief Educational Officer,
Coimbatore District, Coimbatore.
- ...Respondents



W.P.No.14462 of 2024

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to permit the petitioner to participate in the ensuing transfer counseling to be conducted as per the order passed in W.A.(MD) Nos.842 & 859 to 864 of 2024 dated 30.4.2024 under the category of Kidney Dialysis Treatment as mentioned in Clause III (iv) of G.O. (1D) No.134 School Education (Pa.Ka.5)(1) Department dated 18.8.2021 and issue a consequential direction to the respondents to transfer the petitioner to any one of the vacant places in Theni District considering his health condition.

For the Petitioner : Mr.D.Shanmugaraja
Sethupathi

For the Respondents : Mr.V.Manoharan, AGP

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

2. The petitioner seeks a direction from this Court to participate on priority category basis on the ground that he is undergoing kidney



W.P.No.14462 of 2024

WEB COPY

dialysis treatment in terms of Clause III (iv) of G.O.Ms.(1D) No.134, School Education Department dated 18.08.2021.

3. According to the petitioner, though he is not undergoing kidney treatment on a regular continuous basis, he should still be entitled for priority treatment in the transfer counseling.

4. The learned Government Pleader appearing for the respondents brings to my notice that the said Government Order has been superseded by G.O.Ms.No. 176 dated 17.12.2021 issued by the School Education Department, whereby, under special category viz. Clause 2(d)(iv), persons, who are undergoing dialysis treatment, will be given priority. He would state that in case the petitioner is able to show that he is undergone kidney dialysis, the Government Order dated 17.12.2021 will be applied to him and he will be given priority.

5. The statement of the learned Additional Government Pleader is taken on record. On the petitioner adducing proof that he has undergone kidney dialysis, he shall be given priority by the



W.P.No.14462 of 2024

Department.

6. With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.15736 of 2024 is closed.

30.05.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order : Yes/No

To

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EVK Sampath Maaligai, DPI Campus,
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Chennai-6.

2.The Joint Director of School
Education (Personnel), EVK Sampath
Maaligai, DPI Campus, College Road,
Nungambakkam, Chennai-6.

3.The Chief Educational Officer,
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rs/kpl

Page 4 of 5



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W.P.No.14462 of 2024

V.LAKSHMINARAYANAN, J

(rs/kpl)

W.P.No.14462 of 2024&
WMP.No.15736 of 2024

30.05.2024