



W.P.(MD).No.1040 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1040 of 2024

T.Srivenkatavijayan

... Petitioner

Vs

1. The Director of School Education,
Directorate of School Education,
D.P.I. Compound, Nungampakkam,
Chennai.
2. The Chief Educational Officer,
Tirunelveli.
3. The Headmaster,
Government Higher Secondary School,
Valliyoar, Tirunelveli District.
4. The Chief Educational Officer,
Kanniyakumari District at Nagercoil..
5. The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District..

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to grant transfer the petitioner from 3rd respondent school to any one of the



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schools is under the control of the 5th respondent/The District Educational Officer, Kuzhithurai at Marthandam, Kanyakumari District as per the G.O. (Ms).No. 107, Personnel and Administrative Reforms (S) Department, dated 03.09.2020 within a stipulated period that may be fixed by this Court.

For Petitioner : Mr. S.Sivakumar

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to transfer the petitioner from the 3rd respondent school to any one of the schools under the control of the 5th respondent/The District Educational Officer, Kuzhithurai at Marthandam, Kanyakumari District, as per the G.O.(Ms).No. 107, Personnel and Administrative Reforms (S) Department, dated 03.09.2020 within the time stipulated by this Court.

2.By consent of both parties and considering the limited relief sought for by the petitioner, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3.Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents. Perused the materials on record.

4.The petitioner joined service as a Lab Assistant on 18.04.2017 in the third respondent School. One among his two children, S.V.Nithin, aged about 14 years is a physically disabled person with 70% disability. Hence, it is necessary for the petitioner to take care of the disabled son. Considering the pathetic condition of the petitioner's son, the Government of India has issued a Unique Disability Identity Card under the purview of Benchmark Disability as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016. The Government of India has issued an Office Memorandum, dated 08.10.2018 facilitating the parents of Autism and Benchmark Disability Children to work in the nearby place. In view of the same, the petitioner made an application to grant transfer to the three Schools mentioned in the application.

5.However, when the matter came up for hearing before this Court, the learned Additional Government Pleader appearing for the respondents would fairly submitted that since there is no vacancy in the Schools mentioned



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by the petitioner in the application, yet another six Schools, situated nearer to the petitioner's residence can be considered and transfer would be effected in anyone of the six schools.

6.In view of the above submission, this Court hereby direct the first respondent to transfer the petitioner in anyone of the six Schools mentioned below within a period of one month from the date of receipt of copy of this order.

1. *The Government High School, Vellamcode*
2. *The Government High School, Alankottai*
3. *The Government High School, Vellichanthai*
4. *The Government Higher Secondary School, Arumanalloor*
5. *The Government Higher Secondary School, Thazhakudy*
6. *The Government Higher Secondary School, Kodupaikuzhi*

7.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

23.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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