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W.P.(MD).No.3783 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3783 of 2024

and

W.M.P(MD)No.3679 of 2024

M.Mohammad Muzammil

Vs

...Petitioner

- 1.The Commissioner,
Department of Most Backward Classes and
Denotified Communities Welfare (FAC),
2nd Floor, Ezhilagam Annexe Building,
Chepauk, Chennai-600 005.
- 2.The Headmaster,
Government Kallar Higher Secondary School,
Muthanampatti, Theni.
- 3.The Headmaster,
Government Kallar Higher Secondary School,
Sennamanayakkanpatti,
Dindigul District.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent No.1 to transfer the petitioner who is working as P.G Assistant (English) in the school of Respondent No.2 to the school of Respondent No.3 by considering the petitioner's representation, dated 17.08.2023 by following the guidelines issued by Personnel and Administrative Reforms (S) Department vide Letter (Ms) No. 92/S/09, dated 22.07.2009.



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For Petitioner : Mr.SMA Jinnah

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the Respondent No.1 to transfer the petitioner who is working as P.G Assistant (English) in the school of Respondent No.2 to the school of Respondent No.3 by considering the petitioner's representation, dated 17.08.2023 by following the guidelines issued by Personnel and Administrative Reforms (S) Department vide Letter (Ms) No. 92/S/09, dated 22.07.2009.

2. The petitioner is a person with disability as certified by the District Differently Abled Welfare Officer, Dindigul District. He was appointed as P.G Assistant (English) in the 2nd respondent school on 30.11.2022 under differently abled reservation quota. The petitioner is in probational period and he has been selected to serve Kallar Reclamation School located at Theni, Madurai and Dindigul District. Due to his physical disability, he find it difficult to travel all the way from Dindigul to Theni everyday. In view of the same, he has made a representation on 17.08.2023 to the 1st respondent to transfer him from 2nd respondent school to 3rd respondent following the



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guidelines of Personnel and Administrative Reforms (S) Department, dated 22.07.2009. Hence the same is not considered, this writ petition came to be filed.

3. When the matter is came up for admission, the learned counsel for the petitioner elaborating the pathetic health condition of the petitioner submitted that one of his child is also suffering from similar low vision disability and hence, it is necessary for the petitioner to be in Dindigul to take care of his avocation and that of his family and pressed for allowing the writ petition.

4. The learned Additional Government Pleader appearing for the respondents relying upon clause 15 of G.O(D)No.55 Backward Classes, Most Backward Classes and Minorities Welfare Department, dated 14.07.2023 submitted that unless and until the petitioner has completed a period of 3 years of service in a particular place, he will not be entitled for transfer counselling and only thereafter, he would become eligible even to participate in transfer counselling. Since the petitioner's probation period is not yet over, his claim cannot be considered. If at all there is any vacancy in the 3rd respondent school, in that case, it is for the 1st respondent to take a final call.



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5. In view of the said submission and considering the peculiar disability of the petitioner and his difficulty, this Court compassionately consider his plight and direct the 1st respondent to consider the representation of the petitioner, dated 17.08.2023 and pass appropriate orders of transfer from the 2nd respondent school to 3rd respondent school, if any vacancy is available.

6. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

20.02.2024

Internet : Yes

Index : Yes/No

NCC : Yes/No

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To

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L.VICTORIA GOWRI, J.

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