



W.P.No.3062 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.3062 of 2025
and
W.M.P.No.3345 of 2025

V. Ragupathy

...Petitioner

Vs

1. Government of Tamil Nadu,
Rep by its Secretary,
Higher Education Department,
Secretariat, Chennai – 9 .

2. The Director of Technical Education,
Government of Tamil Nadu,
Chennai – 25.

3. Annamalai University,
Rep by its Principal,
Annamalai University,
Chidambaram

4. The Government Engineering College,
Rep by its Principal,
Sethurapatti, Chidambaram

4. The Government Engineering College,
Rep by its Principal, Sethurapatti,
Trichy -620 012.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to transfer the petitioner from the Government Engineering College, Trichy to the Annamalai University on compassionate grounds considering his extreme and exceptional circumstances being the care giver of his dependent ailing daughter (diagnosed with stage Iv Cancer) who requires high support for even daily activities on account of her disabilities and pass orders.

For Petitioner : Mr.L. Chandrakumar

For Respondents 1,2 &4 : Mr.U. Baranidharan
Additional Government Pleader

For Respondent-3 : Mr.S. Sithirai Anandan
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner has filed this writ petition to issue a Writ of Mandamus directing the respondents to transfer the petitioner from the Government Engineering College, Trichy to the Annamalai University on compassionate grounds considering his extreme and exceptional



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circumstances being the care giver of his dependent ailing daughter (diagnosed with stage Iv Cancer) who requires high support for even daily activities on account of her disabilities and pass orders.

3.The petitioner is working as Technical Assistant in Annamalai University from the year 2006. In the year 2020 the second respondent relieved the surplus non-teaching staff to some other Engineering Colleges. Pursuant to which the 3rd respondent vide University Order No.464/2020(C2) dated 15.12.2020 transferred the petitioner to the Government Engineering College, Trichy. Thereafter, the petitioner reported to duty and still working in the Government Engineering College, Trichy for the past 4 years. The grievance of the petitioner is that her 13 years old daughter was diagnosed with Stage III Cancer (Cervical intramedullary ganglioglioma) and was operated wherein the surgery has left her left hand and left leg immobile, due to which the petitioner and his wife has to completely take care of the child.

4. The further case of the petitioner is that he has to go to several places for treatment of his child. Eventhough the petitioner's wife is also



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taking care of the child, that alone is not sufficient due to the reason that the child's left hand and left leg was immobile. The sum and substance of the case is that as the petitioner made a request to take earned leave of 221 days before the 2nd respondent and the same was rejected. Hence, the petitioner made a representation to the respondents to transfer the petitioner from the Government Engineering College, Trichy to the Annamalai University, Chidambaram. To expedite the representation of the petitioner, he has come up with this petition.

5. The learned counsel for the petitioner further submitted that the petitioner was put up to severe mental agony due to the pathetic situation of his child. It is pertinent to note that his wife is also suffering from ailment due to taking care of the child. He further submitted that the petitioner is residing in Cuddalore and he has to travel from Cuddalore to Trichy to take care of child, due to which he was unable to take care of the child and he has to bear the travel expenses apart from the medical expenses of the child. He also submits that as per G.O.Ms.No.107, Personnel and Administrative reforms Department 03.09.2020 the petitioner is entitled to transfer. The core contention of the petitioner that



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despite the child of the petitioner is suffering from various ailments she has scored 87.9 in her S.S.L.C without attending school. Considering the medical ailments of the petitioner's daughter the Medical Board in Cuddalore has issued disability certificate to her on 20.12.2023 recommending use of a scribe to write her public exam. It is also pertinent to note that the petitioner's daughter is presently in her 12th Standard and the Board exams are going to commence on 03.03.2025. As her health has been deteriorating her cancer stands advanced in stage IV and affecting her mental capacities where she forgets her own self, involuntarily urinates and excretes, all of this adding to psychiatric problems for the past 3 months. It is also pertinent to note that due to the said disabilities petitioner's daughter has not attended the school for the past 3 months. In spite of the same, The St.Mary's Higher Secondary School, Cuddalore where the child is studying have rendered their fullest support to her. Hence, prays to allow this petition.

6. The learned Additional Government Pleader submitted that the transfer was made only on administrative reasons. However, they will abide by the directions given by this Court.



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7. Heard both sides and perused the materials available on record.

8. On a perusal of the medical records it is seen that the child of the petitioner was diagnosed with Stage-III Cancer (Cervical intramedullary ganglioglioma) on 28.12.2020 and surgery was done. Pursuant to which there was an observation made that she is suffering from Long segment expansion of cervical cord with mild post contrast enhancement measuring about 4.8x1.9x1.4 cm extending from C2 to C5 vertebral levels. Now the daughter is in advanced stage IV and need support.

9. Considering the facts of the case this Court is inclined to take a lenient and compassionate view in this regard and there shall be direction to the first respondent by considering the representation of the petitioner, and pass orders by transferring the petitioner from Government Engineering College, Trichy to the Annamalai University, Chidambaram within a period of two weeks from the date of receipt of a copy of this order.



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10. With the above directions, this Writ Petition stands allowed. No order as to costs. Consequently the connected miscellaneous petition is closed.

29.01.2025

Index: Yes/No

Speaking order/Non-speaking order
smn

Note: The Registry is directed to issue order copy on 30.01.2025

To

1. The Secretary,
Government of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai – 9

2. The Director of Technical Education,
Government of Tamil Nadu,
Chennai – 25

3. Annamalai University,
Rep by its Principal,
Annamalai University, Chidambaram

4. The Principal
Government Engineering College,
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V.BHAVANI SUBBAROYAN,J.

Smn

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