



W.P.(MD) No.28662 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
10.11.2025	19.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.28662 of 2025 &
W.M.P.Nos.22249, 22250 & 23539 of 2025**

R.Shanmuganathan

... Petitioner

-vs-

- 1.The Director,
Department of Art and Culture,
Egmore, Chennai.
- 2.The Joint Director,
Department, of Art and Culture,
Egmore, Chennai.
- 3.The Deputy Director,
Department, of Art and Culture,
Egmore, Chennai.
- 4.The Assistant Director,
Department, of Art and Culture,
Egmore, Chennai.
- 5.The Head Master,
District Government School,

Page 1 of 11



W.P.(MD) No.28662 of 2025

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Sivagangai.

6.Ayyanar,
Music Teacher,
District Government Music School,
Thoothukudi. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned transfer order vide proceedings No.3455/ 3/2025 issued by the first respondent dated 07.10.2025 and to quash the same as illegal and consequentially direct the 1st to 5th respondents to continue the petitioner to serve as Music Teacher at District Government Music School, Sivagangai.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.Veerakathiravan AAG
Assisted by
Mr.N.Satheesh Kumar AGP for R1 to R5
Mr.P.Andiraj for R6

ORDER

This Writ Petition had been filed to quash the impugned transfer order issued by the first respondent dated 07.10.2025 as illegal and consequentially direct the 1st to 5th respondents to continue the petitioner to serve as Music Teacher at District Government Music School, Sivagangai.



W.P.(MD) No.28662 of 2025

WEB COPY

2. Heard Mr.C.M.Arumugam, the learned counsel appearing for the petitioner, Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.N.Satheesh Kumar learned Additional Government Pleader appearing for respondents 1 to 5 and Mr.P.Andiraj, learned counsel appearing for the sixth respondent.

3. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as a Music Teacher by proceedings dated 18.09.2019 by the first respondent at the District Government Music School, Sirkazhi and his services were regularised by proceedings dated 30.06.2022 and was declared to have successfully completed his probation on 03.01.2023. By proceedings dated 13.03.2025, the petitioner was transferred to District Music School, Sivagangai from Sirkazhi. After his transfer, he had also settled his family at Madurai and had been travelling from Madurai to Sivagangai daily and also taking care of his ailing father.

4. While that being so, by an order of transfer dated 07.10.2025, the petitioner had been transferred from Sivagangai to District Music School Tuticorin and had posted the sixth respondent in his place. He would submit that the entire transfer had been made at the behest of the 6th respondent and

Page 3 of 11



W.P.(MD) No.28662 of 2025

WEB COPY

he had been transferred out of Sivagangai within a period of three years during non-transferable period. He would further submit that the petitioner had not been relieved from service as he had availed the casual leave.

5. He would also submit that the order of transfer is in violation of the Government Order in G.O.Ms.No.10, dated 07.01.1994. Hence, he seeks indulgence of this Court to quash the order of transfer.

6. Countering his arguments, the learned Additional Advocate General would submit that a request had been made by the sixth respondent claiming that his daughter is a physically disabled person and she is undergoing physiotherapy treatment and as his wife is working at Madurai. To take care of the physically disabled daughter, he had made such a request. Considering the case of the sixth respondent, the transfer had been made accommodating him in Sivagangai, as his claim had been supported by relevant documents and in view of the exemptions granted under G.O.Ms.No.107, 03.09.2020, the order of transfer had been issued. Therefore, he would submit that there has been no malafides or arbitrariness in the order of transfer. He would further submit that even it is the case of the petitioner that the family of the petitioner is in Madurai not in Sivagangai. Hence, he would pray this Court to dismiss



W.P.(MD) No.28662 of 2025

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the Writ Petition.

7. The learned counsel appearing for the sixth respondent placing on record the disability certificate issued to his daughter, would submit that his daughter suffers from physical disability of 40% which is progressive. Hence, he made a request for posting him at Sivagangai to take care of his daughter. He would also adopt the arguments of the learned Additional Advocate General and would pray this Court to consider the case of the sixth respondent in upholding the order of transfer.

8. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

9. A perusal of the order impugned herein would indicate that the transfer order had been made on the request of the sixth respondent by taking into consideration his family circumstances. It is true that an order of transfer cannot be made during the non-transferable period namely, 1st June to 30th March of an year. But however, transfer could be made on administrative constraints even under the Government Order in G.O.Ms.No. 10, dated 07.01.1994.

Page 5 of 11



W.P.(MD) No.28662 of 2025

WEB COPY

11. The Government had issued an order in G.O.Ms.No.107, dated 03.09.2020, by taking into account the rigour of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as 'Act') to accommodate an Government Servant, who is a caregiver of his dependent with specified disability as certified by the authority under the Act. The following conditions have been envisaged to consider a request of the Government servant for transferring, if he has a dependent with benchmark disabilities:-

In the Government Order first read above, the Government have laid down a transfer policy wherein detailed instructions were issued for making transfer of Government servants in Groups A, B and C. In continuation of the above order that the Government have further directed in the reference second read above, that the Government Servants who are having mentally retarded or differently abled children can make a request for his transfer before the completion of 3 years period as mandated in the general transfer policy. The same factor shall also be considered as a valid reason for his retention in the same station upto 5 years.

2. The Department of Personnel and Training,



W.P.(MD) No.28662 of 2025

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Government of India in its office memorandum third read above, have issued instructions exempting a Government employee who is a caregiver of dependent daughter/son/parents/spouse/brother/sister with Specified Disability, as certified by the certifying authority as a Person with Benchmark Disability as defined under Section 2(4) of the Rights of Persons with Disabilities Act, 2016 from the routine exercise of transfer/rotational transfer subject to the administrative constraints.

3. After careful consideration, the Government direct that a government employee who is a caregiver of dependent daughter/son/parents/ spouse/brother/sister with Specified Disability, as certified by the certifying authority as a Person with Benchmark Disability as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016 may be exempted from the routine exercise of transfer, subject to the administrative constraints, during the transfer period namely, between the 1st April and the 31st May every year. This exemption is, however subject to the following conditions:-

(i) A Government servant must be a caregiver of differently abled dependent such as daughter/son/parents/spouse/brother/sister.

(ii) A Government servant, who is a caregiver of differently abled dependent should furnish a certificate, certified by the certifying authority that the dependent is a



W.P.(MD) No.28662 of 2025

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Person with Benchmark Disability as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016.

11. The sixth respondent had also placed on record the disability certificate issued by the authority under the Act certifying that his daughter has a Benchmark Disability of 40%, which was also progressive. But on the other hand, it is the claim of the petitioner that his father suffers from an illness, which requires continuous treatment. This Court could only place sympathy on the petitioner. The Government had taken a conscious decision to accommodate a Government servant, who has a dependent with Benchmark Disability as certified by the authority under the Act. This Court is of the view that such administrative transfer that had been made, cannot be interfered with.

12. For the aforesaid reasons, the Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Page 8 of 11



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W.P.(MD) No.28662 of 2025

**19.12.2025
(1/2)**

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Pbn



W.P.(MD) No.28662 of 2025

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K.KUMARESH BABU, J.

Pbn

PRE-DELIVERY ORDER MADE
IN

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