



W.P.(MD).No.30565 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30565 of 2024

and

W.M.P(MD) No.25663 of 2024

N.Uma Shankari

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to
Government,
Higher Education Department,
Fort St. George,
Secretariat, Chennai – 600 009.

2. The Commissioner of College Education,
Directorate of Collegiate Education,
Saidapet, Chennai – 600 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the claim of the petitioner for transfer to the existing vacancy Sri Meenakshi Government Arts College for Women (Autonomous) Madurai in the Department of Chemistry, as notified in the list of vacancies issued by the second respondent dated 08.11.2024 and in consideration of representation submitted by the petitioner dated 28.11.2024, within a time frame to be fixed by this Court.



W.P.(MD).No.30565 of 2024

For Petitioner : Mr.F.Deepak

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.T.Amjadkhan
Government Advocate

ORDER

The instant Writ Petition has been filed by an Associate Professor working in the Chemistry Department of Sethupathi Government Arts College, Ramanathapuram, seeking a Mandamus to consider her claim to transfer her to the existing vacancy in Sri Meenakshi Government Arts College for Women (Autonomous) Madurai.

2. According to the learned counsel appearing for the petitioner, though the petitioner has participated in the transfer counselling, and there are vacancies in Sri Meenakshi Government Arts College for Women (Autonomous) Madurai, she was not granted transfer order. Hence, the present writ petition.



W.P.(MD).No.30565 of 2024

WEB COPY

3. The learned Additional Advocate General appearing for the respondents herein pointed out that as per G.O(D) No.247, Higher Education Department, dated 06.11.2024, the teaching faculty cannot be granted transfer orders, if the staff strength in a particular Department is less than 50% of the sanctioned strength. According to the learned Additional Advocate General, the petitioner is the sole teaching faculty in the Department of Chemistry in Sethupathi Government Arts College, Ramanathapuram. In such circumstances, transfer could not be granted to the writ petitioner.

4. The petitioner herein by way of filing a reply affidavit had contended that even though the staff strength is less than 50% in English and Tamil Department in the same College, two of the Professors in the said Department have been considered for transfer and they have also been granted transfer orders. The learned Additional Advocate General by filing a rejoinder had contended that those two teaching faculty have been considered for transfer orders only on the ground that there are other teaching faculty in the said Department in English and Tamil Department. However, as far as the Chemistry Department is concerned, other than the petitioner, no other permanent teaching faculty is available as on today. According to the learned



W.P.(MD).No.30565 of 2024

WEB COPY

Additional Advocate General, in case, if any other permanent teaching faculty is posted to the Sethpuathi Government Arts College, Ramanathapuram, the request of the petitioner for transfer will be considered.

5. In view of the above said deliberations, this Court is inclined to pass the following orders:

a. The respondents are directed to consider the request of the petitioner for transfer from Sethpuathi Government Arts College, Ramanathapuram to Sri Meenakshi Government Arts College for Women (Autonomous) Madurai, in case, if any other permanent teaching faculty is appointed in the Department of Chemistry in Sethpuathi Government Arts College, Ramanathapuram; and

b. Considering the fact that the petitioner is working in the above said College for the past 14 years, the respondents are directed to give priority to the petitioner in the case of transfer.



W.P.(MD).No.30565 of 2024

WEB COPY

6. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

23.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal Secretary to
Government,
Higher Education Department,
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Secretariat, Chennai – 600 009.
2. The Commissioner of College Education,
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W.P.(MD).No.30565 of 2024

R.VIJAYAKUMAR,J.

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W.P(MD)No.30565 of 2024

23.01.2025