



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.12.2021
CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WEB COPY

W.P. (MD) .No. 23293 of 2021
and
WMP(MD) No. 19728 of 2021

Subbalakshmi

... Petitioner

Vs .

1. The Principal Secretary to Government,
Department of School Education,
Fort St. George, Secretariat,
Chennai.
 2. The Commissioner of School Education,
EVK Sampath Maalgai, DPI Campus,
College Road, Nugampakkam,
Chennai.
 3. The Joint Director of School Education (Personnel),
EVK Sampath Maaligai, DPI Campus,
College Road, Nugampakkam,
Chennai.
 4. The Additional Chief Educational Officer,
O/o. The Chief Educational Officer,
Tenkasi,
Tenkasi District.
- ... Respondents

Prayer : Petition filed under Article 226 of Constitution of India for the issuance of a writ of mandamus, directing the respondents 1 to 4 herein to consider the petitioner's representation dated 23.09.2021 submitted for transferring the petitioner to the post of BT Assistant in anyone of the government schools situated either within her district or within the nearby districts considering her predicament situation owing to the 85 % of disability of petitioner's daughter namely Gowrikrishna within a time frame fixed by this court.

For Petitioner : Mr. B. Prahalad Ravi
For Respondents : Mr. N. Ga. Nataraj,
Government Advocate
for R1 to R4

**ORDER**

The petitioner, is working as Block Resource Teacher and was initially posted at Nagapatinam District in the year 2006. She was selected by the Teachers Recruitment Board for Tamil Nadu School Subordinate Service in the 2005-2006. At present, she is working at Tenkasi District. She had been issued with a transfer order directing her to report at Pudukottai. Claiming that she has a young daughter, who requires her presence in view of the daughter being afflicted with about 85 percent of physical disability, the present writ petition has been filed seeking indulgence of this court to interfere with the said transfer order.

2. Heard the learned counsel for the petitioner and also learned counsel for the respondents.

3. The petitioner must join in the new post at Pudukottai, After she joins, she may as quickly as possible, give necessary representation enclosing the medical certificates of her daughter and urging upon the respondents that it is imperative that her presence is required for the well being of the daughter. The respondents may keep in mind the fact that when any individual offers himself/herself to work as a public servant, it is reasonably expected that the Government or the employer would also take care of the welfare not only of the employee but also of his/her family members. This position has to be recognized.

4. Therefore, let the petitioner give necessary representation. It is urged by B. Prahalad Ravi, learned counsel for the petitioner that while considering the representation, the respondents should also taken into consideration the tenor of G.O.Ms. 134 dated 18.08.2021 and apply the same not just in its letter but in its spirit to the representation to be given by the petitioner.

5. Let the petitioner initially join at Pudukottai and immediately thereafter give a representation. If such representation is given, an obligation is placed on the third respondent to pass necessary orders within a period of three weeks from the date of receipt of the said representation. If required, the third respondent may also enquire regarding any fact for clarification with the petitioner directly, not necessarily in person but in writing. The writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

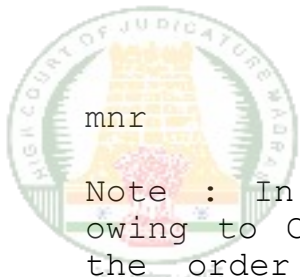
Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Secretary to Government,
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Fort St. George, Secretariat,
Chennai.
2. The Commissioner of School Education,
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4. The Additional Chief Educational Officer,
O/o. The Chief Educational Officer,
Tenkasi,
Tenkasi District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-40543[F] dated 30/12/2021)

+1 CC to M/s.SPL.GP (SR-40535[F] dated 30/12/2021)

W.P. (MD).No. 23293 of 2021
and
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29.12.2021

SJ(CO)
TR(06.01.2022) 3P 7C