

**M. Kannan Vs. Director of Elementary Education, D.P.I. Campus, Chennai and Another**

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**Court :** Chennai Madurai

**Decided On :** Aug-08-2016

**Judge :** T. Raja

**Appeal No. :** W.P(MD)No. 12572 of 2016 & W.M.P.(MD). No. 9496 of 2016

**Appellant :** M. Kannan

**Respondent :** Director of Elementary Education, D.P.I. Campus, Chennai and Another

**Judgement :**

(Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a a Writ of Mandamus directing the 1st respondent to consider petitioners representation dated 03.06.2016 under the Guidelines issued in G.O(Ms) No. 92/S/09 dated 22.07.2009 and also direct the 2nd Respondent to consider the transfer application and transfer the petitioner from Thiruppathur Union Sivagangai District to Panchayat Union Primary School Sevalkulam in Kurivikulam Panchayat Union Tirunelveli District.)

1. Mr.M.Kannan, who is serving as Secondary Grade Teacher, through employment exchange in Narasinganallur Panchayat Union Primary School, Thiruvannamalai District, on 15.07.2009, has come forward with the present Writ

Petition seeking for a Writ of Mandamus directing the respondents to transfer him from Thiruppathur Union Sivagangai District to Panchayat Union Primary School Sevalkulam in Kurivikulam Panchayat Union, Tirunelveli District.

2. Learned counsel for the petitioner submitted that the petitioner is a physically challenged person. At the time of appointment, there was no vacancy available in his native place and therefore, the petitioner was posted as Secondary Grade Teacher through employment exchange in Narasinganallur Panchayat Union Primary School, Thiruvannamalai District, on 15.07.2009. He has been continuously working there without any blemish. Earlier, he approached this Court through W.P.(MD).No.4114 of 2015, wherein, his request for transfer was negated as there are no vacancies available, in his native place at that point of time. While so, it is stated by the petitioner that the respondents have made atleast 13 transfer orders to several people without considering the pathetic conditions of the petitioner. Therefore, he has come before this Court for the relief stated supra.

3. Mr.Aaiyaram K.Selvakumar, submitted that right now the counselling is going on and there is only one vacancy available at Panchayat Union Primary School Sevalkulam in Kurivikulam Panchayat Union, Tirunelveli District.

4. Considered the submissions made on either side and perused the materials available on record.

5. Considering the fact that the petitioner being a handicapped person and suffers from disability at the rate of 80% and in view of the fact that Letter (Ms).No.92/S/09 dated 22.07.2009 provides for giving posting to the handicapped persons to their native places, especially, the petitioner has been knocking this Court for the second time with a fond hope that atleast this time his request will be considered favourably and keeping in mind the earlier orders passed by me in W.P.(MD).No.4114 of 2015, dated 24.03.2015 and Contempt Order No.1014 of 2015, dated 27.08.2015, respectively, the respondents are directed to post this petitioner at Panchayat Union Primary School Sevalkulam in Kurivikulam Panchayat Union, Tirunelveli District. Consequently, the respondents are directed to pass necessary orders forthwith, in any event, within a period of one week from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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