

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

W.P.(C).No.24756 of 2015 (T)

PETITIONER(S):-

ANEESH C.GEORGE, AGED 42 YEARS, S/O.LATE C.C.GEORGE,
CHERUVATHOOR HOUSE,
CHOYIYODU ROAD, ENGAPUZHA, PUDUPPADY,
KOZHIKODE DISTRICT-673 586.

BY ADV. SRI.BIJU ABRAHAM.

RESPONDENT(S):-

1. THE CATHOLICATE & M.D. SCHOOLS,
(CORPORATE MANAGEMENT), DEVALOKAM, KOTTAYAM-4,
REPRESENTED BY ITS MANAGER.
2. THE HEADMASTER
MGM HSS, PUDUPADI, KOZHIKODE DISTRICT-673 586.
3. THE DISTRICT EDUCATIONAL OFFICER,
THAMARASSERY-673 573.

R1 BY ADVS. SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR
R3 BY GOVERNMENT PLEADER SMT.M.J.RAJASREE.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.24756 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1 : A TRUE COPY OF THE APPOINTMENT OF THE PETITIONER AT
MGM HIGH SCHOOL, PUDUPPADY DATED 5-6-2000.
- EXT.P2 : A TRUE COPY OF THE EXISTING GO DATED 27-5-2015
STIPULATING THE NORMS AND CONDITION FOR TRANSFER OF
HIGHER SECONDARY SCHOOL TEACHERS .
- EXT.P3 : A TRUE COPY OF THE GENERAL POLICE GUIDELINES ISSUED
BY THE GOVERNMENT IN RESPECT OF THE TRANSFER OF
GENERAL EMPLOYEES IN ALL DEPARTMENT AND VACATION
DEPARTMENT DATED 10-9-2004.
- EXT.P4 : A TRUE COPY OF THE TRANSFER ORDER ISSUED BY THE
1ST RESPONDENT TO THE PETITIONER DATED 10-8-2015.

RESPONDENT(S)' EXHIBITS:-

- EXT.R1(a) TRUE COPY OF THE ENQUIRY REPORT ALONG WITH
COVERING LETTER DATED 17.06.2015.

vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.24756 of 2015-T

Dated this the 15th day of October, 2015

JUDGMENT

A teacher under transfer is before this Court, contending that the ground on which the transfer has been made is not sustainable.

2. A similar issue was considered by this Court on the very same incident and it was held so:

“3. In the case of the petitioner, it is to be noticed that at best only supervisory lapse can be alleged against her going by the report. The report of the Deputy Director of Education, Kozhikode specifically directs the transfer of the Peon. No such direction is issued as against the petitioner herein. A reading of the report would indicate that, there was also a move to shift the rice from the building in which it was stored and the petitioner's contention is that it was only to facilitate such transfer that the petitioner had issued a letter.

4. Looking at the totality of the circumstance, this Court is of the opinion that the transfer of the petitioner is not expedient. Ext.P3 hence would stand set aside. The enquiry definitely would be continued against both the persons. The observations made in this judgment are

only in the nature of prima facie observations and the enquiry has to be proceeded with and concluded untrammelled by any observations made herein”.

3. Herein also, it is to be noticed that there is no specific allegation, as of now, against the petitioner herein and further there is no recommendation for transferring the petitioner. In such circumstance, the very same directions would apply. The transfer order would stand set aside with liberty as reserved above.

The writ petition is allowed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]