IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.3.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.27179 of 2014

1. P.Suresh Christopher ... Petitioner

versus

1. The Director
   Tamilnadu Elementary Education Department
   D.P.I. Campus Chennai-6.

2. The District Elementary
   Educational Officer D.E.E.O. Office
   Villupuram Villupuram District.

3. The Assistant Elementary
   Educational Officer A.E.E.O. Office
   Sangarapuram Villupuram District.

4. The Head Master
   Panchayat Union Elementary School Poikunam
   Sangarapuram Taluk Villupuram District.

5. S.K.Megalai ... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Declaration to declare the mutual transfer order ref: Na.Ka.No. 2598/A3/2014 dated 25.06.2014 passed by the 2nd respondent is illegal and null and void as the same was not requested by the petitioner and consequently direct the 2nd respondent to issue a relieving order to the petitioner based on his letter of resignation dated 02.12.2013.

For petitioner Mr.D.Muthukumar

For respondents Mr.P.Sanjay Gandhi,
Additional Government Pleader, for respondents 1 to 4

Mr.A.G.Rajan, for R-5

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O R D E R

The petitioner seeks a Writ of Declaration to declare the mutual transfer order dated 25 June 2014, as illegal and null and void for the reason that he has not made any application for mutual transfer.

2. The petitioner submitted submitted his application for resignation. During the currency of the said application, the second respondent passed the impugned order dated 25 June 2014 transferring him from PU Elementary School, Chellampattu to PU Elementary School, Poikunam. According to the petitioner, he has not given any such application for mutual transfer and as such, the second respondent erred in passing the order dated 25 June 2014. Since the petitioner has taken a specific contention that the order dated 25 June 2014 was passed unilaterally by the second respondent, without his consent, I have directed the second respondent to appear in person.

3. The second respondent is present in Court pursuant to the notice issued by this Court. The second respondent produced a copy of the order withdrawing the order of transfer and accepting the resignation submitted by the petitioner. The said order dated 20 March 2015 is taken on record.

4. The second respondent has filed an affidavit claiming that he has already withdrawn the transfer order and accepted the resignation submitted by the petitioner. The second respondent further stated that the entire salary would be paid to the petitioner from 1.7.2014 till date.

5. The second respondent who appeared in person further submitted that the petitioner would be relieved from service with effect from 25 March 2015 and he would be paid the salary till such date. The second respondent also made it clear that the petitioner has not made any application for mutual transfer and it was a unilateral action taken by him. The said submission is also recorded. In view of the subsequent events relating to the acceptance of the resignation submitted by the petitioner and the cancellation of the mutual transfer order nothing survives for further adjudication in the Writ Petition.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, M.P.No.1 of 2014 is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Director
   Tamilnadu Elementary Education Department
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   Panchayat Union Elementary School Poikunam
   Sangarapuram Taluk Villupuram District.

+1cc to Mr.d.Muthu Kumar, Advocate, S.R.No.16542
+1cc to the Government Pleader, S.R.No.16648

W.P.No.27179 of 2014

KK(CO)
CA(01/04/2015)

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