

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27280 of 2015

and

M.P.No.1 of 2015

K.Chandra Sekar

.. Petitioner

Vs

1.The Joint Director of School Education,
(Higher Secondary),
College Road, Chennai-600 006.

2.The Chief Educational Officer,
Udhagamandalam,
The Nilgiris District.

3.Mrs.Alamelu

4.Mr.Sivaraman

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of certiorarified mandamus calling for the entire records which culminated in the proceedings in Na.Ka.No.840/A1/dated 21.08.2015 on the file of the second respondent and quash the same and consequently direct the respondents 1 and 2 to permit the petitioner to continue as Post Graduate Teacher (Botany) in Government Higher Secondary School, Kotagiri.

For Petitioner

.. Mr.S.Vijayan

For Respondents

.. Mr.R.Vijayakumar,
Addl. Govt. Pleader for R1 & R2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that while he was working as Post Graduate Teacher (Botany) in Government Higher Secondary School, Kotagiri, the second respondent, has passed an order of suspension dated 07.04.2014, suspending him from service and challenging the same, he filed W.P. No.19363 of 2014 and he has also impleaded the second respondent in his personal capacity and this Court, vide order dated 24.07.2014, has set aside the order of suspension and he was reinstated in service on 02.09.2014. The petitioner would further state that the second respondent, infuriated by the said act, has decided to wreck vengeance against him. The petitioner would further state that respondents 3 and 4, who are the husband and wife, are working in the very same school for the past 13 years without transfer and aggrieved by the fact that he was given in charge Headmaster post of the said school, they seem to be frustrated and therefore, the third respondent has lodged a complaint as if the petitioner has misbehaved with her. The grievance expressed by the petitioner is that the second respondent, without conducting any preliminary enquiry whatsoever, has transferred him to a far off place, which is 100 kms away from the present place of posting and challenging the vires of the said order, came forward to file this writ petition.

3.Mr.S.Vijayan, learned counsel appearing for the petitioner would vehemently contend that the third and fourth respondents, who are the husband and wife respectively, are aggrieved by the fact that the petitioner has been put in charge of the Headmaster of the school and that is why, the third respondent has lodged a complaint against the petitioner and the second respondent, without even conducting preliminary enquiry, has transferred the petitioner to a far off place, which is 100 kms away from the present place of posting and prays for interference.

4.Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2, would submit that since the allegations levelled against the petitioner are serious in nature, the second respondent, in best interest of the administration, has transferred him to a school within Nilgiris District and prays for dismissal of the writ petition.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.This Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, permits the petitioner to submit a representation to the second respondent for reconsideration of the order of transfer, within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider the same in accordance with law and pass orders within a further period of four weeks thereafter and

communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Joint Director of School Education,
(Higher Secondary),
College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Udhagamandalam,
The Nilgiris District.

+1 cc to Mr.S.Vijayan, Counsel for the Petitioner
sr.46574/15

W.P.No.27280 of 2015

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