

In the High Court of Judicature at Madras

(Orders reserved on 22.09.2016)

Dated : 21.10.2016

Coram

The Honourable Mr.Justice R.SUBBIAH

W.P.No.17585 & 30872 of 2015

and

M.P.No.1 of 2015 in W.P.No.17585 of 2015

and

M.P.Nos.1 & 2 of 2015 in W.P.No.30872 of 2015

C.Sagayaraj Petitioner in both WPs

..vs..

1.The District Educational Officer,
Krishnagiri District.
Krishnagiri.

2.The Manager,
R.C.Schools,
Dharmapru & Krishnagiri District,
Dharmapuri-636 704.

3.The Correspondent,
R.C.Fathima Boy High School,
Bangalore Road,
Krishnagiri-635 001.

4.A.Sekar,
BT Assistant,
St/ Antony's Higher Secondary School,
Elathagiri,
Krishnagiri District.

..Respondents in both WPs

W.P.No.17585 of 20156 has been filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari, to call for the records relating to the impugned proceedings issued by the 2nd respondent in Ref.D.O.S.No.09 of 2015 dated 29.05.2015 and to quash the same.

W.P.No.30872 of 2015 has been filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the

impugned proceedings issued by the 1st respondent in O.Mu.No.1040/Aa3/15 of 2015 dated 01.09.2015 and to quash the same and consequently, to direct the respondents 1 to 3 to restore the petitioner to the post of Headmaster.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.N.Srinivasan, AGP (for R1)

Fr.A.Xavier Arulraj, Senior Counsel
for M/s.A.Arulmary (For R2 to R4)

COMMON ORDE

It is stated that in the year 2005, the petitioner was appointed as the In-charge Headmaster of R.C.Fathima Boys High School, Bangalore Road, Krishnagiri. Now, by the impugned proceedings of the 2nd respondent in Ref.D.O.S.No.09 of 2015, dated 29.05.2015, the petitioner has been transferred to St.Antony's Higher Secondary School, Elathagiri from the post of In-charge Headmaster to BT Asst and consequently, the 4th respondent herein viz., A.Sekar, who is the BT Asst in St.Antony's Higher Secondary School Elathagiri, has now been transferred to R.C.Fathima Boys High School in the place of the petitioner and posted as In-charge Headmaster. Challenging the said transfer order dated 29.05.2015, the petitioner has filed W.P.No.17585 of 2015. Subsequently, the 1st respondent by his proceedings in O.Mu.No.1040/Aa3/15, dated 01.09.2015 proposed to approve the transfer order dated 29.05.2015 passed by the 2nd respondent. Challenging the same, the petitioner has filed another writ petition in W.P.No.30872 of 2015 before this Court.

2.Since the issues involved in both the writ petitions are inter-related, the writ petitions are disposed of by way of this common order.

3.The brief facts of the case of the petitioner, which are necessary to decide the issues involved in these writ petitions, are as follows_

3-1.The petitioner was initially appointed as BT Assistant (Maths) on 01.06.1991, on regular basis, in John Britoo High School, Anandam Nagar, Krishnagiri District (erstwhile Dharmapuri District). The said school was run by Roman Catholic Diocese of Salem. However, in the year 1996, Salem Diocese was bifurcated and Dharmapuri Diocese was formed with certain number of schools, wherein the above said schools were also brought under the newly formed Dharmapuri Diocese.

3-2.So far as the management of R.C.Diocese, Dharmapuri is concerned, there is no declaration as Corporate

Body. Each private school run by Dharmapuri Diocese is a separate unit by itself in the absence of declaration of Corporate Status, under the provisions of the Tamil Nadu Recognized Private Schools (Regulations) Act, 1974 and the Rules made thereunder. In view of the same, there cannot be any transfer of teachers from one school to another.

3-3. When the petitioner was the senior most BT Assistant working in Dharmapuri Diocese, a vacancy to the post of Headmaster arose in R.C.Fathima Boys High School, Krishnagiri in the year 2005, due to the retirement of the Headmaster of the School viz., one Thiru.R.S.Joseph. Considering the fact that the petitioner was the senior most BT Assistant, eligible for promotion, the petitioner was appointed as In-charge Headmaster of R.C.Fathima Boys High School, by the transfer order issued by the 1st respondent dated 01.06.2005. According to the petitioner, instead of giving regular promotion, the petitioner was posted as in-charge Headmaster in the vacancy to the post of Headmaster.

3-4. It is further stated by the petitioner that in fact, the said R.C.Fathima Boys High School was originally a Middle School with sanctioned post of Middle School Headmaster. However, the said school was subsequently upgraded as High School as per the order of the concerned department by granting permission to start IX and X standard in the year 1998, on self-finance basis. Therefore, in the absence of the Headmaster Post in the Middle School, due to upgradation of school as High School, the petitioner was posted as in-charge Headmaster of the said school. The petitioner was given posting as in-charge Headmaster in R.C.Fathima Boys High School, only based on transfer order dated 01.06.2005, after obtaining letter of willingness/request from the petitioner. Since there is no declaration of Corporate Body status for Dharmapuri Diocese, there cannot be any transfer from one school to another school, without option exercised by the teacher concerned.

3-5. The petitioner has been continuously working in R.C.Fathima Boys High school from 01.06.2005 as in-charge Headmaster. While so, suddenly, the petitioner was issued with an order of transfer dated 29.05.2015, transferring him from R.C.Fathima Boys High School to St. Antony's Higher Secondary School, Elathagiri and the 4th respondent - A. Sekar, BT Assistant who is far junior to the petitioner, was transferred to R. C. Fathima Boys High School, Krishnagiri in his place. The petitioner issued with the impugned order dated 29.05.2015, transferring him from the post of in-charge Headmaster to the post of BT Assistant, in spite of the fact that he is the senior

most BT Assistant. There cannot be an order of transfer, when the 2nd respondent-Diocese is not a Corporate Body. Hence, questioning the transfer order dated 29.05.2015, the petitioner has filed the writ petition in W.P.No.17585 of 2015.

3-6.Subsequently, the 1st respondent by his proceedings dated 01.09.2015 proposed to approve the transfer order dated 29.05.2015. Challenging the same, the petitioner has filed another writ petition in W.P.No.30872 of 2015.

4.The learned counsel for the petitioner would submit that the Dharmapuri Diocese-Society was established with effect from 24.10.2005, under whose control, the subject schools would come. Dharmapuri Diocese-Society has not been declared as Corporate Body as required by the Tamil Nadu Recognized Private Schools (Regulations) Act, 1974 and the Rules made thereunder. Unless the Diocese-Society is declared as Corporate Body, as required by the above said Rules to have a common seniority of all the teachers working in the schools coming under such Diocese-Society, there cannot be any transfer of teachers from one school to another school; if such transfer is made it will be against the Rules and service conditions. It is further submitted by the petitioner that since the Dharmapuri Diocese-Society has not been declared as Corporate Body, there is no common seniority of all the teachers working in the schools coming under the Dharmapuri Diocese-Society, for the purpose of promotion and other service benefits. Hence, there cannot be transfer of teachers from one school to another school.

5.As the next fold of submission, the learned counsel appearing for the petitioner submitted that a transfer cannot be treated as an incident of service. Where the transfer is a condition of service or not, has to be decided based on facts and circumstances of each case. In this regard, the learned counsel for the petitioner has also relied upon the judgment delivered by a Full Bench of this Court reported in 1998(III) MLJ 595 {Correspondent, Malankara Syrian Catholic School Vs. J.Robinson Jacob}, wherein it has been held as follows_

"30.As observed in the earlier part of the judgment, in view of the facts and circumstances of this case, transfer cannot be termed as an incident of service, especially when it is neither specifically provided for in the contract nor in the rules and regulations nor in the conditions of service applicable to teachers and others in private schools. No express provisions for transfer is needed when it cannot be termed as an incident of service and cannot be read into it. Rather the appointment condition ie., one has to become junior most

teacher on being transferred in terms of the contract. Consequently, question No.1 is answered in the negative ie., right to transfer always depends on innumerable facts, incapable of itemized.

31. In view of the observations made above and the findings rendered that there is no minority corporate management recognized by the authorities and the transfer is not an incident of service, the contract does not provide for the minority institutions being affiliated as one as aided cannot transfer the teachers in the different units established and administered by it and it has no inherent power to transfer. Consequently, Question No.3 is answered in negative.

32. In view of the observations made in the earlier part of the judgment, the right to transfer is not in all circumstances cannot be taken into the fold of administration. It will depend upon peculiar facts and circumstances of the case. There cannot be any absolute rule that right of transfer is a right to administer minority institutions, protected under the umbrella of Art.30 of the Constitution of India. Consequently, Question No.4 is also answered in negative."

For the same proposition, the learned counsel appearing for the petitioner has also relied upon another judgment delivered by a Division Bench of this Court reported in 2003 (4) CTC 65 [Manager, R.C.Schools Vs. G.Vincent Paulraj] and also the judgment of this Court in W.P.(MD).No.4421 & 4585 of 2009, dated 15.06.2010, (A.John Sebastin Royappan Vs. Govt. of Tamil Nadu rep. by its Secretary and others). By relying upon the said decisions, the learned counsel for the petitioner would submit that in the above cited cases, it was held that common seniority of all the teachers working in all the schools under the Management to be maintained for the purpose of condition of service of the teachers as provided under Rule 15 of the Rules in order to establish Corporate Management status. In the absence of common seniority, not being followed with reference to condition of service of the teachers, working in all the schools, there cannot be any conferment of Corporate Management resulting to the fact that there cannot be transfer of teachers from one school to another (from one unit to another unit). Thus, the learned counsel for the petitioner submitted that keeping the above said legal position, if the case on hand is considered, it would show that there is no material to show that

the Dharmapuri Diocese-Society is maintaining any common seniority list for the teachers working in the schools under its control.

6.The learned counsel for the petitioner would further contend that in fact, the 2nd respondent herein has filed an Additional Typed Set of Papers-II, dated 23.09.2016, containing seniority list of B.T. Assistant (Maths) inter alia containing 21 teachers presently working in the schools which are controlled by the Dharmapuri Diocese. The said list would show that the Dharmapuri Diocese-Society is not maintaining a common seniority list for all the teachers, relating to their condition of service from the formation of society with effect from 24.10.2005. It is further submitted by the learned counsel for the petitioner that the list of B.T.Assistant (Maths) produced by the 2nd respondent would show that the petitioner herein has been included in the said list at Sl.No.1, as senior most teacher; whereas, number of juniors to the petitioner have already been given promotion to the post of Headmaster and they are not included in the seniority list. In this regard, the learned counsel for the petitioner has also produced a list of Headmaster/incharge, in the Middle, High and Higher Secondary Schools under the Dharmapuri Diocese-Society and submitted that many juniors to the petitioners have been given promotion to the post of Headmaster. Thus, the learned counsel for the petitioner submitted that since there is no common seniority list maintained by the Dharmapuri Diocese, the Corporate Management status is not available in this case. Therefore, the impugned transfer order is not legally sustainable. Thus, the learned counsel for the petitioner sought for quashing the impugned orders.

7.Per contra, the learned senior counsel appearing for the respondents 2 to 4, by filing a detailed counter, would submit that the contention of the learned counsel for the petitioner that there is no power to the respondents to transfer the petitioner, without the declaration of the Dharmapuri Diocese as Corporate Body, is not correct, since the transfer of a teacher from one school to another school under the same management is not prohibited under the Tamil Nadu Recognized Private Schools (Regulations) Act, 1974 and the Rules made thereunder. Therefore, there is no need for any declaration as Corporate Body. In this regard, the learned senior counsel has also submitted that a Division Bench of this Court while deciding the similar issue in the case reported 2003 (4) CTC 65 [Manager, R.C.Schools Vs. G.Vincent Paulraj] has interpreted the Full Bench Judgment reported in 1998(3) MLJ 595 {Correspondent, Malankara Syrian Catholic School Vs. J.Robinson Jacob} and held that the transfer of a teacher from one school to another school under the same management is not prohibited by the provisions of the Act/Rules; what has to be seen is whether the service

conditions of the teacher will be altered by the transfer or not. So far as the present case is concerned, service condition of the petitioner is same throughout the educational institutions and the seniority of the petitioner will not be altered. When that being so, there cannot be any bar to transfer the petitioner from one school to another school, which comes within the management of the Dharmapuri Diocese.

8. Further, the learned senior counsel for the respondents 2 to 4 submitted that there is no separate category of In-charge Headmaster. The post of Headmaster in R.C. Fatima Boys High School is nonexistent, as it is not sanctioned due to upgradation. The question of seniority will not arise, as the petitioner will not lose his seniority within the management. There is no separate seniority for every school. There is no difference between In-charge Headmaster and a regular BT Asst. The learned senior counsel for the respondents 2 to 4 would further contend that the conditions of the appointment of the petitioner have been clearly mentioned in Form of Agreement entered into between the Management and the petitioner herein as early as on 18.08.1992 and the Clause 1(a) of the said Agreement clearly states that the teacher/petitioner is liable to be transferred within the same management. When that being so, now the petitioner cannot question the transfer.

9. The learned senior counsel for the respondents 2 to 4, by relying upon the decision of the Hon'ble Apex Court reported in (1998) 6 SCC 674 [N. Ammad Vs. Emjay High School] and a decision of the Division Bench of this Court reported (2007) 4 LW 67 [Eka Ratchacar Sabai Hr. Sec. School Vs. K. Sumathi] submitted that the promotion to the post of Headmaster in a Minority School is not based on the mere seniority and as such, the petitioner cannot claim promotion to the post of Headmaster, though his seniority is maintained at the Diocese level. The learned senior counsel for the respondents has also produced a seniority list of the BT Asst (Maths) maintained by the Dharmapuri Diocese in order to show that there will not be any alteration in service conditions of the petitioner. The learned counsel appearing for the respondents 2 to 4 has also produced a proceedings issued by the Director of School Education, dated 25.12.1986, and submitted that in the said proceedings, it has been clearly stated that to transfer a teacher from one school to another school, there is no need for declaration of Corporate Body. Thus, the learned senior counsel for the respondents 2 to 4 sought for dismissal of the writ petitions.

10. The learned Additional Government Pleader appearing for the 1st respondent, by filing a detailed counter, submitted that there is no Rule to the effect that the declaration as Corporate Body is a condition for the transfer of a teacher among the group of schools run by the same management. Even

the Government Servants are transferred for every three years and the transfer under private management schools for administrative reason is not against the Government Policy or Rule. Further, In-charge Headmaster post is not a separate post. According to the learned Additional Government Pleader, transfer can be done if there are more than one school under the same management. Thus, the learned Additional Government Pleader sought for dismissal of the writ petition.

11. By way of reply, the learned counsel appearing for the petitioner would contend that the Form of Agreement was entered into between the Management and the petitioner herein as early as on 18.08.1992. The Dharmapuri Diocese-Society was formed with effect from 24.10.2005. But, after the formation of Dharmapuri Diocese Society with effect from 24.10.2005, new Form of Agreement ought to have been entered. But, in the instant case, no such Form of Agreement with the newly formed Diocese-Society was entered between the management and the petitioner. Hence, the respondents cannot rely upon the Form of Agreement dated 18.08.1992.

12. I have carefully heard the submissions made on either side and perused the materials available on record.

13. The petitioner herein was initially appointed as BT Asst (Maths) on 01.06.1991, on regular basis, in John Britoo High School, Anandam Nagar, Krishnagiri District. The said school was run by Roman Catholic Diocese of Salem. However, in the year 1996, Salem Diocese was bifurcated and Dharmapuri Diocese was formed with certain number of schools. The petitioner was transferred by order dated 01.06.2005 from John Britoo High School, Anandam Nagar to R.C. Fatima Boys High School, which comes under the Dharmapuri Diocese. By the said transfer, the petitioner who was working as BT Asst in John Britoo High School was posted as In-charge Headmaster in R.C. Fatima Boys High School. At that time, the petitioner has also joined as In-charge Headmaster of the R.C. Fatima Boys High School. While so, now by the impugned order dated 29.05.2015, the petitioner has been transferred to St. Antony's Higher Secondary School, Elathagiri and the 4th respondent herein has been transferred to the place of the petitioner as In-charge Headmaster of R.C. Fatima Boys High School.

14. It is the submission of the learned counsel for the petitioner that since the Dharmapuri Diocese-Society has not been declared as Corporate Body as required under Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulations) Act, 1974, each school coming under the Dharmapuri Diocese becomes a separate unit by itself for the purpose of appointment, seniority and other conditions of service; under such circumstances, there cannot be any transfer of teacher from one

school to another in violation of service rights. The learned counsel for the petitioner has also submitted that no common seniority is maintained by the Management and juniors to the petitioner were given promotion to the post of Headmaster.

15. But, so far as the declaration as Corporate Body is concerned, I find that absolutely there is no Rule in the Tamil Nadu Private Schools (Regulations), Rules, 1974, to the effect that declaration as Corporate Body is mandatory. If the Society maintained a common seniority list and if there is no alteration in the service condition and there is no loss of seniority and emoluments, then there cannot be any bar for transferring a teacher from one school to another school under the same management. It is well settled legal principle that each case has to be decided only based on its own facts and circumstances. So far as the present case is concerned, the 2nd respondent has filed a common seniority list. In the counter filed by them also, the 2nd respondent has categorically stated that by the present transfer, the seniority of the petitioner will not be altered. When there is no alteration in service condition and there is no loss of seniority and emoluments, there is no impediment in transferring a teacher/petitioner from one school to another school within the same management. In this regard, it would be appropriate to see some of the judgment relied upon by the learned counsel for the respondents.

16. In 2003 (4) L.L.N. 901 [Manager, R.C.Schools Vs. G.Vincent Paulraj] it has been held by a Division Bench of this Court as follows—

"4. The ratio of the decision of the Full Bench, therefore, is that transfer is not prohibited by the provisions of the Act; that if in a given case it is shown that transfer is a condition of service having regard to the terms of the contract between the parties, then transfer is permissible subject to the transferee not being deprived of the benefits of his service prior to such transfer.

5. The facts and circumstances of each case have to be examined before a decision can be rendered as to whether transfer is or is not permissible. Factors relevant for determining that question would be whether transfer is provided for in the contract of service, as to whether a common seniority list is maintained and as to whether, by reason of the transfer, the transferred employee is deprived of any of the benefit to which he is otherwise entitled prior to the transfer.

6. Section 20 of the Act which is in Chap. V titled "Terms and conditions of service

of teachers and other persons employed in Private Schools" deals with appointment of teachers and other employees in private schools. Section 19 empowers the Government to make rules regulating the number, qualifications and conditions of service of the teachers and other persons employed in any private school. Rules having been made by the Government in this regard, qualifications and conditions of service of teachers and others are dealt with in Rule 15. It requires the school committee of every private school to enter into an agreement in Form VII(A) or VII(B). Rule 15(4) deals with promotions. Rule 15(4)(ii)(c) refers to corporate body running more than one school that, in respect of corporate body running more than one school, the schools under that body shall be treated as one unit for the purpose of the rule. Thus, the rule made under the statute clearly recognises the possibility of several schools being run by one single legal entity and promotions being made from a common pool of teachers serving in all such schools whenever vacancies arise in any one of those schools run by that legal entity. The policy of the Act therefore is not to prohibit more than one school being run by the same corporate body. The fact that statutory agreement does not specifically refer to transfer would not come in the way of the concerned parties agreeing to such a condition or agreeing to continue to be bound by such a condition in a contract entered prior to coming into force of this Act. As to whether such a condition providing transfer in fact formed part of the contract is a question of fact."

In (2007) 1 MLJ 463 [Y.Balachandra Babu and others Vs. District Educational Officer] it has been observed by a learned Single Judge of this Court as follows—

62.That apart, it is relevant to point out that the Apex Court time and again has held that the transfer is an incident of service and unless, mala fide is proved or statutory violations are found out such transfer cannot be interfered with as it was decided in the National Hydro Electric Power Corporation Vs. Shri Bhagwan and another AIR 2001 SC 3309 : (2001) 5 SCC 574 : 2001-II-LLJ-1243.

63.In the present case, it is not even the case of the petitioner in W.P.No.4816 of 2005 that the transfer is effected by punitive method, as it is on fact clear that by effecting the impugned

transfer, the petitioner's service conditions are not affected, his seniority is not disturbed and his monetary benefits are not (sic) deprived and therefore, it can never be said as punitive in character.

...

65. One other judgment of the Hon'ble Supreme Court which is relevant to be quoted in this regard to show that the transfer is an incident of service unless expressly barred as it was held in State of Rajasthan Vs. Anand Prakash Solanki AIR 2003 SC 3849 : (2003) 7 SCC 403. While dealing with Section 10 of the Consumer Protection Act 1986 the Hon'ble Apex Court, by making reference to a case rendered in Indra Sawhney Vs. Union of India AIR 1993 SC 477 : 1992 Supp (3) 217 has held at page 407 as follows_

"The concept of appointment by transfer is not unknown to service jurisprudence. A power to appoint includes a power to revoke an appointment, and also a power to make an appointment includes a power to make an appointment by transfer, subject to satisfying the requirements of Section 10 of the Act. The expression "appointment" takes in appointment by direct recruitment, appointment by promotion and appointment by transfer."

66. In view of the facts stated above, that the educational authorities have recognised the second respondent in W.P.No.4816 of 2005 as a corporate management and further that by effecting the transfer, the petitioner's service conditions are not altered to his disadvantage and on the legal parlour, the possibility of having more than one schools under the control of the same corporate management is not prohibited under the provisions of the Tamil Nadu Recognised Private Schools (Regulations) Act and on the other hand, the Rules framed as per Section 19 of the said Act especially relating to Rule 15(4)(ii)(c) specifically enables and mandates the authorities to treat the corporate body running more than one school should be treated as one unit for the purpose of the Rule relating to qualifications, conditions of service of teachers and other persons employed in the aided private

schools, I am of the considered view that the impugned order of transfer is not against the provisions of the Tamil Nadu Recognised Private Schools (Regulations) Act and Rules made thereunder and it is not illegal..... "

A reading of the dictum laid down in the above cited cases would show that there cannot be any bar for transferring a teacher from one school to another school under the same management, which is a condition of service. In the instant case, it is the categorical submission of the learned counsel for the respondents that they are maintaining the common seniority list, which was also produced before this Court, and hence, as observed earlier, absolutely there is no alteration of service conditions of the petitioner and also there is no loss of seniority and emoluments of the petitioner, by the present transfer of the petitioner. When that being so, absolutely there is no need for declaring the Dharmapuri Diocese Society as a Corporate Body, and as such, there cannot be any impediment in transferring the petitioner from one school to another school under the same management.

17. Further, the materials placed before this Court would show that the post of In-charge Headmaster is not a separate category and it is not a sanctioned post and there is no scale of pay or separate grade or allowances for the In-charge Headmaster. In this factual background, the submission of the learned counsel for the petitioner that the petitioner, who is functioning as In-charge Headmaster, cannot be transferred as BT Asst in another school, cannot be accepted, as the functioning of In-charge Headmaster is only an administrative arrangement. In this regard, it would be appropriate to place a reference in the judgment reported in (1998) 6 SCC 674 [N.Ammad Vs. Manager, Emjay High School and others], wherein it has been held by the Hon'ble Supreme Court as follows_

"The management's right to choose a qualified person as the Headmaster of the School is well insulated by the protective cover of Article 30(1) of the Constitution and it cannot be chiselled out through any legislative act or executive rule except for fixing up the qualifications and conditions of service for the post. Any such statutory or executive fiat would be violative of the fundamental right enshrined in the aforesaid article and would hence be void. The management of a minority school is free to find out a qualified person either from the staff of the same school or from outside to fill up the vacancy. If management of the school is not given very wide freedom to

choose the personnel for holding such a key post, subject of course to the restrictions regarding qualifications to be prescribed by the State, the right to administer the school would get much diminished. Hence, it is for the management of the minority educational institution to choose the modality for selecting the qualified persons for appointment."

The dictum laid down in the above cited judgment would show that mere seniority is not a criteria for a minority school to promote a teacher to the post of Headmaster. When that being the legal position, I do not find any force in the submission made by the learned counsel for the petitioner that his juniors have been promoted as Headmasters and he was transferred as BT Asst. So long as there is no alteration in service conditions and loss of seniority & emoluments, there cannot be any bar for transferring the petitioner from one school to another school.

18. That apart, in the Form of Agreement entered into between the management and petitioner dated 18.08.1992, in Clause 1(a) it has been clearly stated that the teacher/petitioner is liable to be transferred within the management. The petitioner has also agreed for the said condition. Hence, he is bound by the said appointment condition. Though the learned counsel for the petitioner submitted that Form of Agreement was entered into on 18.08.1992 and the Dharmapuri Diocese Society was formed with effect from 24.10.2005; but, after the formation of Dharmapuri Diocese Society, new Form of Agreement was not entered into, in my considered opinion, transfer is not a fresh appointment and it is only a continuation of the appointment made earlier. So, there is no need for fresh agreement. It is clear that the transfer is one of the service conditions. Under such circumstances, I am not inclined to accept the submission made by the learned counsel for the petitioner in this regard. I do not find any merit in the writ petitions and the writ petitions are liable to be dismissed.

For the foregoing reasons, the writ petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To,

1.The District Educational Officer,
Krishnagiri District.
Krishnagiri.

2.The Manager,
R.C.Schools,
Dharmapru & Krishnagiri District,
Dharmapuri-636 704.

3.The Correspondent,
R.C.Fathima Boy High School,
Bangalore Road,
Krishnagiri-635 001.

+1cc to the Government Pleader Sr.60527
+1cc to Mr.G.Krishnakumar, Advocate Sr.60636
+3cc to M/S.A.Arulmary, Advocate Sr.60221
+1cc to M/S.G.Sankaran, Advocate Sr.60639 [09/11/2016]

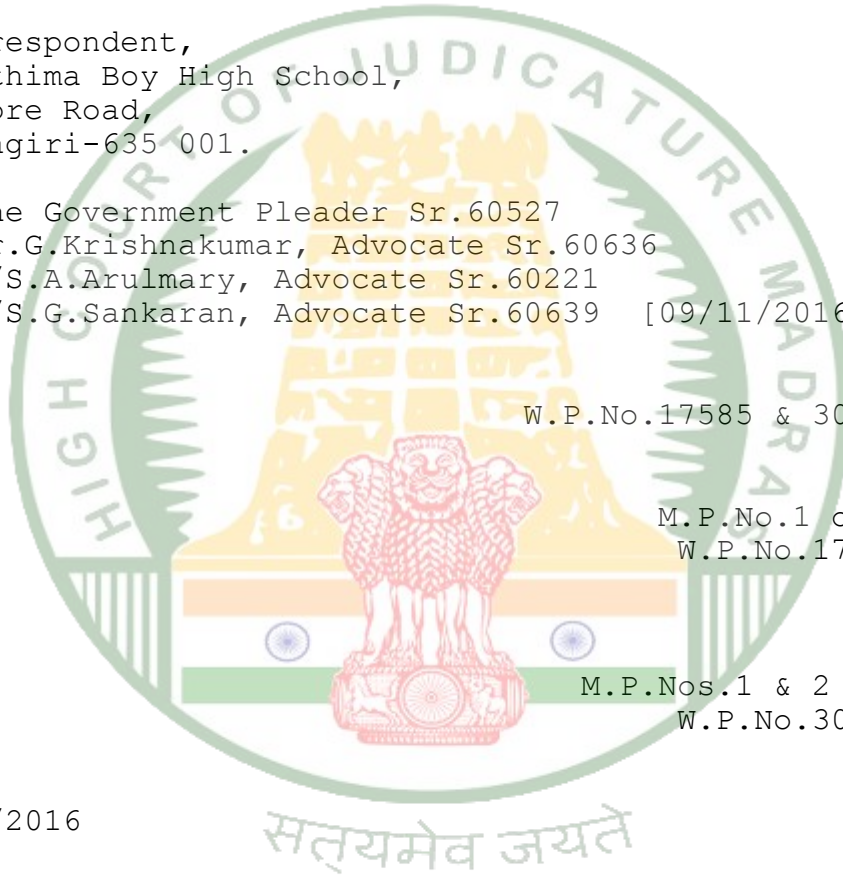
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and

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