

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.32525 of 2016

and WMP.Nos.28191 and 28192 of 2016

J.Vellaidurai .. Petitioner
vs.

1.The Director of School Education,
Directorate of School Education,
Department (Higher Secondary),
College Road, Chennai-6.

2.The Chief Educational Officer,
O/o. The Chief Educational Office,
Thiruppur, Thiruppur District.

3.M.Palanichamy .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned transfer order passed by the first respondent in his proceedings in Na.Ka.No.109/C1/E1/2016 dated 11.08.2016 and consequential relieving order passed by the second respondent in his proceedings in Na.Ka.No.4433/A1/2016 dated 12.08.2016 and quash the same as illegal.

For Petitioner :Mr.S.Nambi Arooran for
M/s.Ajmal Associates

For Respondents :Mr.K.Dhananjayan,
Special Govt. Pleader for R1 and R2

O R D E R

The prayer in the writ petition is for issuance of a Writ of Certiorari to quash the transfer order passed by the first respondent in his proceedings in Na.Ka.No.109/C1/E1/2016 dated 11.08.2016 and consequential relieving order passed by the second respondent in his proceedings in Na.Ka.No.4433/A1/2016 dated 12.08.2016

2. The petitioner was initially appointed as Secondary Grade Teacher on 13.02.1987 at Government High School, M.Kallupatti, Madurai District and he was promoted as B.T. Assistant on 16.02.2000 at Government Higher Secondary School, Padukupathu, Tuticorin District and thereafter, transferred to Government Higher Secondary School, Ramanayakanpatti, Tuticorin District on 12.08.2002 and subsequently, he was promoted as High School Headmaster on 03.11.2014 at Government High School, Karupagoundanpalayam, Thiruppur District and thereafter, he was transferred and posted as Personal Assistant to Chief Educational Officer, Thiruppur District on 11.03.2015 and presently he is serving as Personal Assistant in the office of the second respondent. While so, during the month of May 2016, he sought transfer to any of the nearest place so as to enable him to take care of his 3 children who are living without their mother and in the custody of his own sister, but his request was not considered. However, the first respondent, vide impugned proceedings dated 11.08.2016, at the request of the third respondent, transferred him from the office of the second respondent to Government High School, K.Chettipalayam as Headmaster and accommodated the third respondent in his place. The grievance expressed by the petitioner is that the transfer order was not on administrative grounds but only view to accommodate the third respondent in his place and also based on the complaint given by the second respondent that he had availed leave without proper intimation. Challenging the same, the petitioner has come forward with this writ petition.

3. When the matter is taken up for consideration, the learned counsel appearing for the petitioner would contend that the impugned order of transfer is not on administrative grounds, but only based on the complaint given by the second respondent against the petitioner and in order to accommodate the third respondent in his place and further before passing the impugned order of transfer, no notice was issued and no proper enquiry was conducted.

4. The learned Special Government Pleader appearing for the second respondent has drawn the attention of this Court to the counter affidavit of the second respondent and would submit that due to frequent leave out of family situation availed by the petitioner, his absence caused severe friction and stumbling blocks on the wheels of general administration and hence, considering the petitioner's family condition and in the interest of the administration, the second respondent recommended the first respondent to transfer the petitioner to a nearest school within the city limits and based on the recommendation of the second respondent, the first respondent transferred the petitioner to K.Chettipalayam Government High School, which is located in Tiruppur city which is only 6 kilometers from the petitioner's residence. Thus, the learned

Special Government Pleader prays for dismissal of the writ petition.

5. Keeping the submissions made on either side, I have gone through the entire materials available on record.

6. In the counter affidavit it has been stated that due to family situation, the petitioner was taking frequent leave and in the interest of the administration, the second respondent has recommended the first respondent to transfer the petitioner to a nearby school and moreover, the distance between his residence and the present school is only within 6 Kms. and the petitioner is not transferred to a far off place and in this situation, I do not find any merit in this writ petition.

7. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Director of School Education,
Directorate of School Education,
Department (Higher Secondary),
College Road, Chennai-6.

2.The Chief Educational Officer,
O/o. The Chief Educational Office,
Thiruppur, Thiruppur District.

3.P.A to Chief Educational Officer,
The Chief Educational Office,
5th Floor, Collectorate,
Thiruppur.

+1cc to M/S.Ajmal Associates Sr.57563
+1cc to the Government Pleader Sr.57851

W.P.No.32525 of 2016

sm[co]
srg 17/10/2016