



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20503 of 2016

and W.P. (MD) No.14681 of 2016

M.Shanmugaiah

... Petitioner

vs.

- 1.The Joint Director of School Education,  
Department of School Education,  
Chennai - 06.
- 2.The District Educational Officer,  
Usilampatti,  
Madurai District.
- 3.The Headmaster,  
Government Higher Secondary School,  
Ezhumalai,  
Madurai District.
- 4.The Headmaster,  
Government Higher Secondary School,  
T.Ramanathapuram,  
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2<sup>nd</sup> respondent in his proceedings in P.V.No.2866/A1/2016, dated 23.09.2016 and to quash the same as illegal and consequently, direct the 2<sup>nd</sup> respondent to replace the petitioner in the same 3<sup>rd</sup> respondent school.

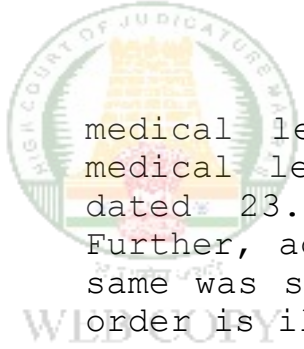
For Petitioner : Mr.K.Seemaraj

For Respondents : Mr.M.Murugan  
Government Advocate

ORDER

The petitioner is challenging the order of his transfer from Government Higher Secondary School, Ezhumalai to Government Higher Secondary School, T.Ramanathapuram.

2.According to the petitioner, he went on medical leave from 27.09.2016 to 21.10.2016. The 3<sup>rd</sup> respondent also sanctioned the



medical leave to the petitioner. While the petitioner was on medical leave, the second respondent passed the impugned order dated 23.09.2016 transferring him to 4<sup>th</sup> respondent school. Further, according to him, the impugned order is antedated and the same was served on him only on 13.10.2016 and hence, the transfer order is illegal.

3. Learned Government Advocate would submit that the place to which the petitioner is transferred is only 7 kms from the original place and therefore, no prejudice would be caused to the petitioner.

4. Learned counsel for the petitioner would submit that one Kannan with tainted hands has been transferred to the place at which petitioner had been working. This contention can not be considered, as that is not the, subject matter of the writ petition.

5. When there is no allegation of malafides or extraneous considerations, the transfer order cannot be challenged, more especially when the order is not punitive. This writ petition has no merits and hence it is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

6. Learned counsel for the petitioner submitted that the petitioner intends to submit a representation to the 2nd respondent to re-transfer him to the 3rd respondent school on health ground.

7. In the circumstances, it is open to the petitioner to submit a representation to re-transfer him to the 3<sup>rd</sup> respondent school on the ground alleged. In the event of receiving any such representation, the second respondent is directed to consider the same and pass orders on merits and in accordance with law.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

sj

To

1. The Joint Director of School Education,  
Department of School Education,  
Chennai - 06.

2. The District Educational Officer,  
USI and Patti,  
Madurai District.



3.The Headmaster,  
Government Higher Secondary School,  
Ezhumalai,  
Madurai District.

4.The Headmaster,  
Government Higher Secondary School,  
T.Ramanathapuram,  
Madurai District.

+1cc to Spl.Government Pleader Sr.No. 63295

JAM/12.12.16/PV/3p-6c

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and W.P.(MD) No.14681 of 2016  
24.10.2016