

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.06.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.16014 of 2017
& W.M.P.No.17305 of 2017

P.Muruganantham

... Petitioner

Vs.

1. The Director of Elementary Education,
College Road,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Coimbatore District, Coimbatore.
3. The Assistant Elementary Educational Officer,
Karamadai Panchayat Union,
Karamadai, Coimbatore.
4. R.Kalaiselvi

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in relation to his proceedings issued in Na.Ka.No.3160/A-3/2015 dated 14.09.2015 and in Na.Ka.No.461/A-3/2016 dated 08.03.2016 and quash the same in so far as the petitioner and 4th respondent is concerned and issue a consequential direction to the respondents 1 to 3 to post the petitioner at Panchayat Union Primary School, Kurumbanur, Karamadai Panchayat Union, Coimbatore District or to transfer the petitioner in any other suitable place at Arvind Nagar or at Sudanthirapuram, Karamadai Panchayat Union.

For Petitioners : Mr.R.Saseetharan

For Respondent Nos.1 to 3 : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner has come to this Court belatedly challenging the old orders dated 14.09.2015 and 08.03.2016 to quash the same in so far as the petitioner and the fourth respondent are concerned and issue a consequential direction to the respondents 1 to 3 to post the petitioner at Panchayat Union Primary School, Kurumbanur, Karamadai Panchayat Union, Coimbatore District or to transfer him in any other suitable place at Arvind Nagar or at Sudanthirapuram, Karamadai Panchayat Union.

3. Heard Mr.R.Saseetharan, learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents.

4. Earlier, the petitioner filed Writ Petition in W.P.No.38632 of 2015 with the similar prayer for issuance of writ of mandamus, directing the first respondent to transfer the petitioner from Panchayat Union Primary School, Neelampathi to Panchayat Union Primary School at Kurumbanoor by considering his representation dated 19.11.2015. This Court, by an order dated 08.12.2015 has given a direction to the first respondent therein to consider and dispose of the petitioner's representation dated 19.11.2015 on merits and in accordance with law.

5. Pursuant to the order passed by this Court in W.P.No.38632 of 2015, the second respondent has passed the impugned order dated 08.03.2016 stating that the fourth respondent, who was working at Panchayat Union Primary School, Kurumbanur, sought a transfer to Coimbatore Corporation and accordingly, she was transferred. But subsequently the order of transfer was cancelled by the Commissioner, Coimbatore Corporation and hence, the second respondent rejected the claim of the petitioner. Aggrieved by the order passed by the second respondent, once again, the petitioner has come to this Court. At the outset, it may be mentioned that no order of transfer passed on administrative reason shall be interfered by any Court or Tribunal, unless the same is passed with malafide or violation of statutory rule. In the case on hand, no such violation has been made. Hence, this Writ Petition fails.

6. Considering the fact that the Department alone has to apply its mind to transfer the persons from one place to another, this Court is not inclined to interfere with the impugned order of transfer passed by the second respondent. The

Writ Petition fails and is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

sri

To

1. The Director of Elementary Education,
College Road,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Coimbatore District,
Coimbatore.
3. The Assistant Elementary Educational Officer,
Karamadai Panchayat Union,
Karamadai, Coimbatore.

+1cc to Mr.R.Saseetharan, Advocate Sr. 44972
+1cc to the Government Pleader, Sr. 44762

W.P. No.16014 of 2017

AR (IV)
VR(17/07/2017)

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