

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.3225 of 2003

and

W.P.M.P.Nos.4034 and 4035 of 2003

Santhakumari

.. Petitioner

.. Vs ..

1. The State of Tamil Nadu,
Rep. by The Secretary to the Government,
Education Department,
Fort St. George, Chennai - 9.
 2. The District Elementary Educational Officer,
Tiruchirapalli - 20.
 3. The Correspondent,
L.M.Middle Schools,
Kannankulam and Levingipuram,
Kannankulam Post,
Tirunelveli Distric.
 4. The Corporate Manager and Chairman,
Education Board and Appointments Committee,
C.S.I. Diocesan Office,
Nagercoil - 626 001.
- .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the second respondent dated 19.12.2002 made in Na.Ka.No.6013 Aa.4 2002 and quash the same as far as the petitioner is concerned and direct the respondent to allow the petitioner to work as Secondary Grade Teacher in the third respondent School.

For Petitioner : Mrs. Mythily Srinivas

For Respondents : Mr.P.Karthikeyan,

Government Advocate

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O R D E R

Heard Mrs.Mythily Srinivas, learned counsel appearing for the petitioner and Mr.P.Karthikeyan, learned Government Advocate appearing for the respondents.

2. It is the case of the petitioner that she was appointed as a Secondary Grade Teacher on 03.06.1993 in the third respondent school viz., L.M. Middle School, Kannankulam, Tirunelveli District, which is a minority institution administered by the fourth respondent and is also an aided school. While so, the second respondent has passed an order on 19.12.2002 transferring the teachers from various aided schools who are in surplus to other schools. Challenging the said order, the petitioner is before this Court with this writ petition.

3. The learned counsel appearing for the petitioner submitted that there are juniors working in the third respondent school and instead of transferring them, the second respondent has arbitrarily transferred the petitioner which is illegal. In the affidavit filed by the petitioner, she has only made a vague allegation and has not given the names of the juniors, who according to her should have been transferred first. That apart, the power of the authority to transfer a teacher from the school where the staffs are in surplus to another aided school cannot be said to be illegal. Further, the petitioner had not joined in the Saratha Primary School, Kailasapuram, Thiruverumbur, where she was transferred on account of interim order passed by this Court on 30.09.2003. Much water has flown under the Bridge by now. This Court does not find any serious infirmity in the order passed by the second respondent.

4. In the result, the Writ Petition is devoid of merits and the same deserves dismissal. Accordingly, this Writ Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

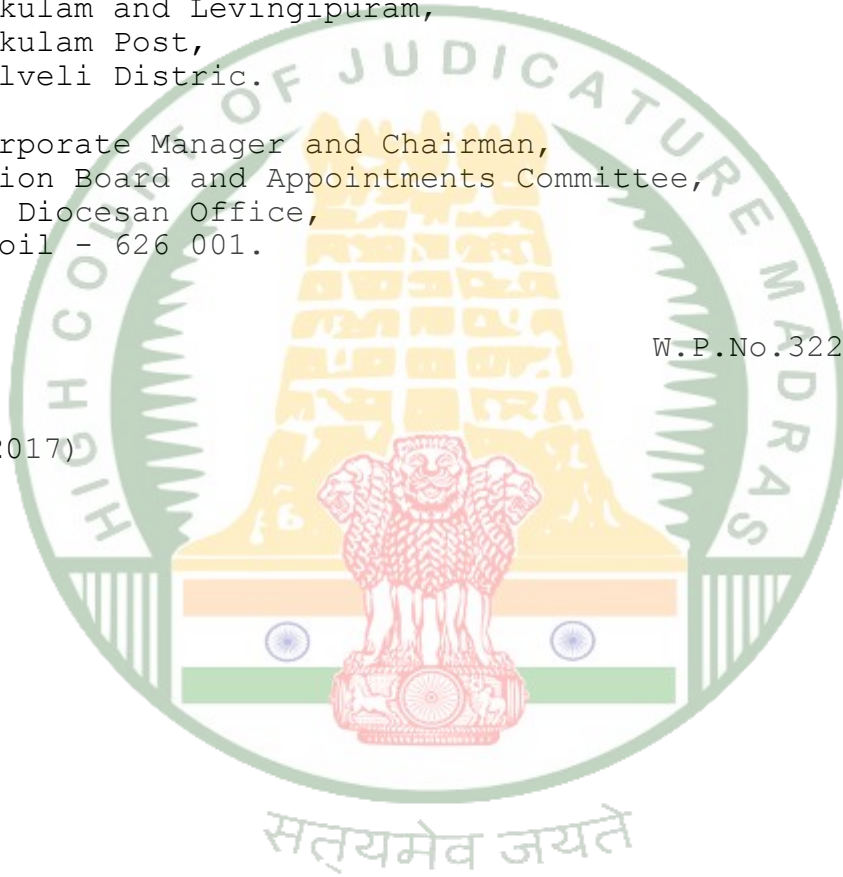
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To

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ss(30/01/2017)



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