



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVU

**W.P(MD)No.19224 of 2017
and W.M.P. (MD) Nos.15576 and 15577 of 2017**

K.Ravikumar

... Petitioner

vs.

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat,
St. George Fort, Chennai.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai.
- 3.The District Elementary Education Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of 2nd respondent in Na.Ka.No.017420/I1/2017-2, dated 04.10.2017 and consequential proceedings of 3rd respondent in Na.Ka.No.4141/A1/2017, dated 09.10.2017 and quash the same.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader

ORDER

The writ petitioner challenges the impugned proceedings of the 2nd respondent in Na.Ka.No.017420/I1/2017-2, dated 04.10.2017 and the consequential proceedings of 3rd respondent in Na.Ka.No.4141/A1/2017, dated 09.10.2017.



2. Heard Mr.S.Manikandan, learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents.

3.It is settled law that an order of transfer is an incidence of service and the same cannot be impeached except on the ground of mala fide or lack of jurisdiction. In view of the above settled position, learned counsel appearing for the petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to make a representation to the second respondent and made an endorsement to that effect.

4.Recording the same, this Writ Petition is dismissed as withdrawn with liberty to the petitioner to make a representation to the 2nd respondent, explaining the difficulties and to permit him to continue in the existing place till the end of the academic year, on or before 21.11.2017 and if such representation is made, the second respondent shall dispassionately consider the same and pass reasoned orders on merits and in accordance with law and communicate such decision to the petitioner on or before 30.11.2017. The impugned order of transfer shall not be given effect till the representation is disposed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
School Education Department,
Secretariat,
St. George Fort, Chennai.

2.The Director of Elementary Education,
<https://hcservices.ecourts.gov.in/hcservices/>
DPI Campus, College Road,
Chennai.



3.The District Elementary Education Officer,
Ramanathapuram,
Ramanathapuram District.

+1cc to M/S.S.MANIKANDAN, Advocate SR.No.87443.

order in
W.P (MD) No.19224 of 2017 and
W.M.P. (MD) Nos.15576 and 15577 of 2017
15.11.2017

sj
SDS/SKN:RSK/SAR 2/15.11.2017/3P/5C