



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.(MD)No.21218 of 2017

and

W.M.P.(MD)Nos.17496 & 17497 of 2017

U.H.Kamaludeen,
President,
Parent Teachers Association,
Government Boys Higher Secondary School,
Kadayanallur,
Tirunelveli District.

... Petitioner

Vs.

- 1.The Director,
School Education Department,
DPI Complex, College Road,
Chennai.
- 2.The Joint Director (Vocational),
School Education Department,
DPI Complex, College Road,
Chennai.
- 3.The Chief Educational Officer,
Tirunelveli.
- 4.The Head Master,
Government Boys Hr. Sec. School,
Kadayanallur,
Tirunelveli District.
- 5.The Headmaster,
Government Boys Hr. Sec. School,
Tenkasi.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of certiorari, calling for the records pursuant to the impugned order of the 3rd respondent in Na.Ka.No.4899/A5/17 dated 03.11.2017 (received on 14.11.2017 and quash the same.

For Petitioner : Ms.Porkodi Karnan

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

The petitioner, who claims to be the President of the Parents and Teachers Association of the 4th respondent school recognized by the Director of School Education, has filed this Writ Petition challenging the order dated 03.11.2017 in Na.Ka.No.4899/A5/17, by which one of the two vocational instructors working in the fourth respondent school viz., K.Kannan has been transferred to the fifth respondent school.

2. Heard Ms. Porkodi Karnan, learned counsel, appearing for the petitioner and Mr. A.K. Baskara Pandian, learned Special Government Pleader, appearing for the respondents.

3. The learned counsel for the petitioner submits that the aforesaid transfer of the said K.Kannan has affected the welfare of the students of the fourth respondent school as it would lead to fall in the academic results of the students of the school and thereby affect the life of the students to a great extent.

4. The learned Special Government Pleader appearing on behalf of the respondents submits that the impugned order has been passed transferring the said K.Kannan, who was working as a vocational instructor in the fourth respondent school to the fifth respondent school on account of the fact that the fifth respondent school has no vocational instructor, whereas the fourth respondent school had two vocational instructors. It is further submitted that it would suffice for one vocational instructor to meet the needs of the fourth respondent school to pursue their academic studies for this academic year and the non-availability of a suitable vocational instructor for the fifth respondent school would lead to greater hardship affecting the students of the fifth respondent school as they would not have any vocational instructor at all, if the said K.Kannan is not transferred to the fifth respondent school in this academic year.

5. Be that as it may, it is evident that the subject matter in issue in this Writ Petition is essentially a service dispute, transferring the said K.Kannan, vocational instructor from the fourth respondent school to the fifth respondent school and he has not chosen to challenge the impugned order of transfer.

6. In **Balco Employees' Union (Regd.) v. Union of India [(2002) 2 SCC 333]**, the Hon'ble Supreme Court of India at paragraph 81 has quoted from the earlier decision in **S.P. Gupta v. Union of India [1981 Supp SCC 87]** emphasizing the following:

"25. Before we part with this general discussion in regard to *locus standi*, there is one point we would like to emphasise and it is, that cases may arise where there is undoubtedly public injury by the act or omission of the



State or a public authority but such act or omission also causes a specific legal injury to an individual or to a specific class or group of individuals. In such cases, a member of the public having sufficient interest can certainly maintain an action challenging the legality of such act or omission, but if the person or specific class or group of persons who are primarily injured as a result of such act or omission, do not wish to claim any relief and accept such act or omission willingly and without protest, the member of the public who complains of a secondary public injury cannot maintain the action, for the effect of entertaining the action at the instance of such member of the public would be to foist a relief on the person or specific class or group of persons primarily injured, which they do not want."

7.The fact that the petitioner is the President of Parents Teachers Association of the fourth respondent school cannot clothe him with any *locus standi* to challenge the transfer of the said K.Kannan from the fourth respondent school to fifth respondent school.

8.In the aforesaid circumstances, the present Writ Petition at the instance of the petitioner challenging the order of transfer of the said K.Kannan from the school of the fourth respondent to the school of the fifth respondent is totally misconceived and the same cannot be entertained. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Director,
School Education Department,
DPI Complex, College Road,
Chennai.
- 2.The Joint Director (Vocational),
School Education Department,
DPI Complex, College Road,
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- 3.The Chief Educational Officer,
Tirunelveli.



4.The Head Master,
Government Boys Hr. Sec. School,
Kadayanallur,
Tirunelveli District.

5.The Headmaster,
Government Boys Hr. Sec. School,
Tenkasi.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 89934

+1cc to M/s.POLAX LEGAL SOLUTIONS Advocate in SR. No. 89596

SJ

JS/SV.MMS/SAR.4/6.12.2017/4P-8C

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