

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1787 of 2018

S.Kiruthika

..Appellant/Petitioner

Vs

1.The Director of Elementary Education
DPI Compound, College Road
Chennai-600 006

2.The District Elementary Educational Officer
Kancheepuram, Kancheepuram District

3.The Assistant Elementary Educational Officer
Thirukazhukundram, Kancheepuram District
Pincode 603 109

..Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P.No.28636 of 2016 dated 03.07.2018.

Petition filed under Article 226 of the constitution of India it is prayed that this Hon'ble Court may be pleased to issue a writ of any other appropriate order or direction in the nature of writ of certiorari calling for the records of the 2nd respondent proceedings vide Na.Ka.NO.1887/A5/2016 dated 06.08.2016 and quash the same and pass such other or further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.V.Raghavachari
For Respondents: Mr.C.Munusamy
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

Heard both sides.

2. It appears that the learned Single Judge has seriously viewed the non-joining to duty by the Writ Petitioner/Appellant to the transferred/deployed place viz., Kunnathur. The stand taken by the learned counsel for the appellant is that the Appellant/Writ Petitioner has been made a scape goat by the authorities as in fact some other teacher was actually transferred, but her name was struck and replaced by the Writ Petitioner's name.

3. The learned Special Government Pleader submits that the transfer order is neither malafide nor motivated, but only on the ground that she is a junior most and on administrative grounds. He further added that the distance between the two schools are hardly 10 kilometers. However, the Appellant/Petitioner has taken the transfer order very seriously and not joined duty in the deployed place till date.

4. In any event, as one time warning to safeguard the interest of the appellant/writ Petitioner, while setting aside the observation of the learned Single Judge in the impugned order dated 03.07.2018 in respect of the act of misconduct on the part of the Appellant, the Appellant is directed to join duty within 15 days from the date of receipt of a copy of this order. However, it is made clear that the Appellant is not entitled for backwages for the period of non-joining to the duty. The respondents are directed to consider the period of non-joining of duty of the appellant in the deployed place as leave, in case of the appellant submitting appropriate application.

5. The Writ Appeal is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Director of Elementary Education
DPI Compound, College Road
Chennai-600 006

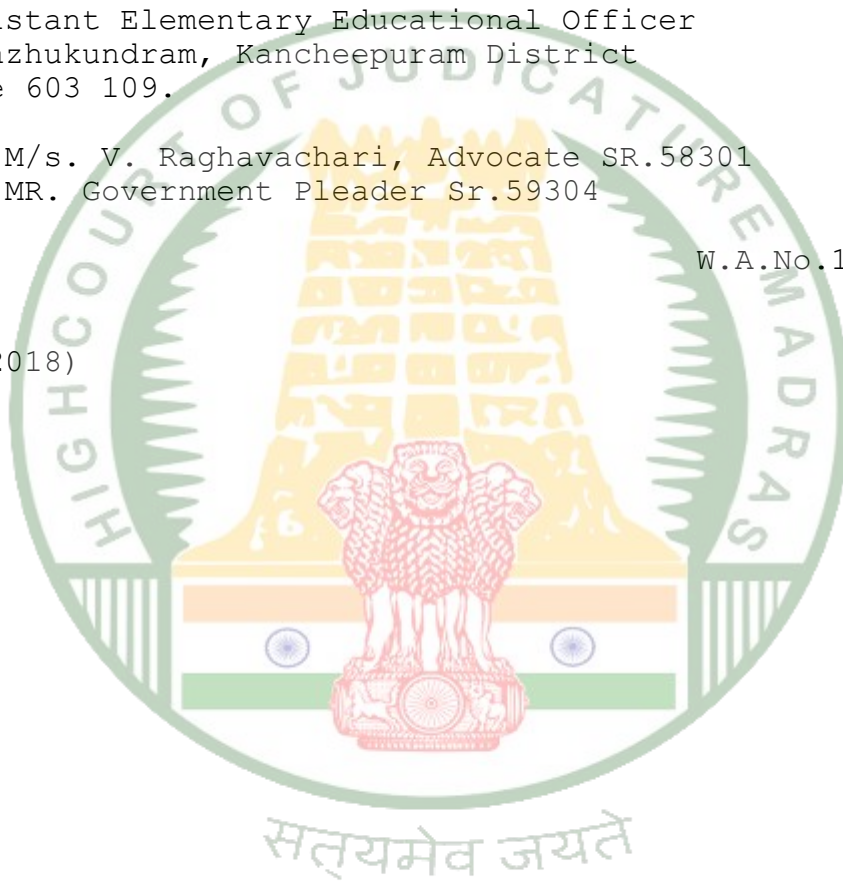
2.The District Elementary Educational Officer
Kancheepuram, Kancheepuram District

3.The Assistant Elementary Educational Officer
Thirukazhukundram, Kancheepuram District
Pincode 603 109.

+ 1 cc to M/s. V. Raghavachari, Advocate SR.58301
+ 1 cc to MR. Government Pleader Sr.59304

W.A.No.1787 of 2018

SJ(CO)
EU(14/09/2018)



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