

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.618 of 2018
and
C.M.P.No.6010 of 2018

K.Revathi

... Appellant

-vs-

1. The District Elementary Educational Officer,
Krishnagiri District.
2. The Headmaster,
Panchayat Union Middle School,
Lakkampatti Colony, Uthangarai Union,
Krishnagiri.

... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.28671 of 2017 09.11.2017.

Writ Petition filed under Article 226 of the constitution of India seeking a Writ of certiorari calling for the records relating to the order passed by the 1st respondent in Na.Ka.No. 1439/A3/2017 dated 30.10.2017 and quash the same in as such as transferring the petitioner.

For Appellant :: Mr.S.Prabhakaran, Sr.Counsel
for Mr.S.Conscious Ilango

For Respondents:: Mr.C.Munusamy, Spl.GP (Edn.)

JUDGMENT
(Delivered by HULUVADI G.RAMESH, J.)

The appellant herein filed a writ petition in W.P.No.28671 of 2017 challenging the order of transfer dated 30.10.2017, by which several teachers were transferred and the appellant is also one among the transferees. The said writ petition was dismissed by order dated 09.11.2017. Challenging the same, the present writ appeal has been filed.

2.The facts of the case would run thus:

One R.Udayasivasankari, who is the nature of Lakkampatti Village, taking advantage of her posting in the very same village, used to bring villagers to the second respondent school for threatening the Headmistress and other teachers in the name of community. On 21.04.2017, when the appellant and other teachers were teaching the students in their respective classes, the said Udayasivasankari was assaulting the Headmistress. After the said incident, complaints and counter complaints were filed and in consequence of the same, all the teachers including the appellant herein were suspended from service. Subsequently, the appellant and other teachers submitted representations to recall the orders of suspension and to post them in some other schools. The appellant had given a letter produced by one Anandan working in Kottarapatti Panchayat Union Middle School to be transferred to Lakkampatti Panchayat Union Middle School and asked for mutual transfer. But without considering the mutual request for transfer, the appellant was transferred to a far off place, and as a result of the same, she faces lot of difficulty. Stating so, the writ petition was filed with a prayer to quash the order of transfer in respect of the appellant herein, but the same was dismissed by this Court as stated supra.

3.The learned senior counsel appearing for the appellant has submitted that the learned single Judge has failed to note that though the impugned order of transfer was passed in lieu of suspension from service, the same only amounts to punishment as against the appellant who has not committed any guilt and was only witnessing and speaking for the truth.

4.The learned Special Government Pleader appearing for the respondents has submitted that the impugned order passed by the learned single Judge does not require any interference, since the learned Judge has considered the matter in proper perspective while passing the impugned order.

5.Heard the learned counsel on either side and perused the materials available on record.

6.The grievance of the appellant is that though she is not responsible for the alleged occurrence, she has been transferred to a far off place. Further, it is learnt that she is having a 1½ year old child to be taken care of. Taking note of the facts and circumstances of the case, this Court deems it fit to direct the appellant to approach the first respondent - the District Elementary Educational Officer, Krishnagiri District, by submitting a representation to that effect, forthwith. If any such representation is made, the first respondent shall consider the same, not on a vindictive approach, but on a reasonable approach, for transferring her to any other school taking note

of the facts and circumstances, and pass appropriate orders in accordance with law, within the end of this month.

7.The writ appeal is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

KM

To

1.The District Elementary Educational Officer,
Krishnagiri District.

2.The Headmaster,
Panchayat Union Middle School,
Lakkampatti Colony, Uthangarai Union,
Krishnagiri.

+1 CC to Govt. Pleader sr 28487.

+1 CC to Mr.S.Conscious Ilango, Advocate sr 28004.

W.A.No.618 of 2018
and
C.M.P.No.6010 of 2018

KAN (CO)
SP (18/04/2018)

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