

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.09.2018
CORAM
THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.23562 of 2018
and
WMP. No.27515 of 2018

M. Navaneetham ...Petitioner
..vs..

1. The District Educational Officer
Chrompet
Chennai - 600 044.

2. The Correspondent
Advent Christian Schools
A.A.M. Compound
Gandhi Road, Velacherry
Chennai - 600 042.

3. The Headmaster
Advent Christian Schools
Sembakkam
Chennai - 600 073.

4. The Headmaster
Advent Christian Schools
Ponmar
Chennai - 600 127.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, after calling for the concerned records from the 2nd respondent, quash the order of the 2nd respondent dated 01.09.2018 as illegal, arbitrary and contrary to law and consequently retain the petitioner in the 2nd respondent school.

For Petitioner : Mr.G. Mohanakrishnan
For 1st Respondent : Mrs.P. Kavitha
Government Advocate for R1

O R D E R

Mrs.P.Kavitha, learned Government Advocate takes notice on behalf of the first respondent.

2. This Writ Petition has been filed by the petitioner, challenging the order of transfer passed by the second

respondent on 01.09.2018 and to quash the same as illegal, arbitrary and contrary to law and consequently retain the petitioner in the second respondent school.

3. The case of the petitioner is that she was appointed as a graduate teacher, by the order of the second respondent dated 31.07.2003 and was posted in the third respondent school. From that day onwards, she has been discharging her duties sincerely and efficiently. Whiles, by an order 01.09.2018, of the second respondent, she has been transferred to Advent Christian School, Ponar, which is more than 20 km. away from the present school where the petitioner is working. It is further stated that it would be very difficult for her to travel such a long distance. Further, she being a lady has to take care of her family. In this regard, she made a representation to the respondents on 04.09.2018, seeking to revoke the order of transfer. Since, no action on the same having been taken till date, she has come forward with this Writ Petition challenging such order of transfer.

4. The learned counsel appearing for the petitioner would submit though the prayer made in this Writ petition is for a large relief, it would suffice if the representation of the petitioner dated 01.09.2018, is directed to be disposed of by the second respondent, within a stipulated period.

5. Needless to say that transfer is incidence of service. However, regard being had to the facts and submissions made and considering the fact that the petitioner has filed a representation and no decision on the same is taken till date, this Court without issuing notice in the Writ Petition, disposes of the same at the stage of admission, with a direction to the second respondent to consider the representation of the petitioner dated 01.09.2018, sympathetically taking into account the plight of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. However, it is made clear that till disposal of such representation, the petitioner if not already relieved, shall continue to work in the present place of posting.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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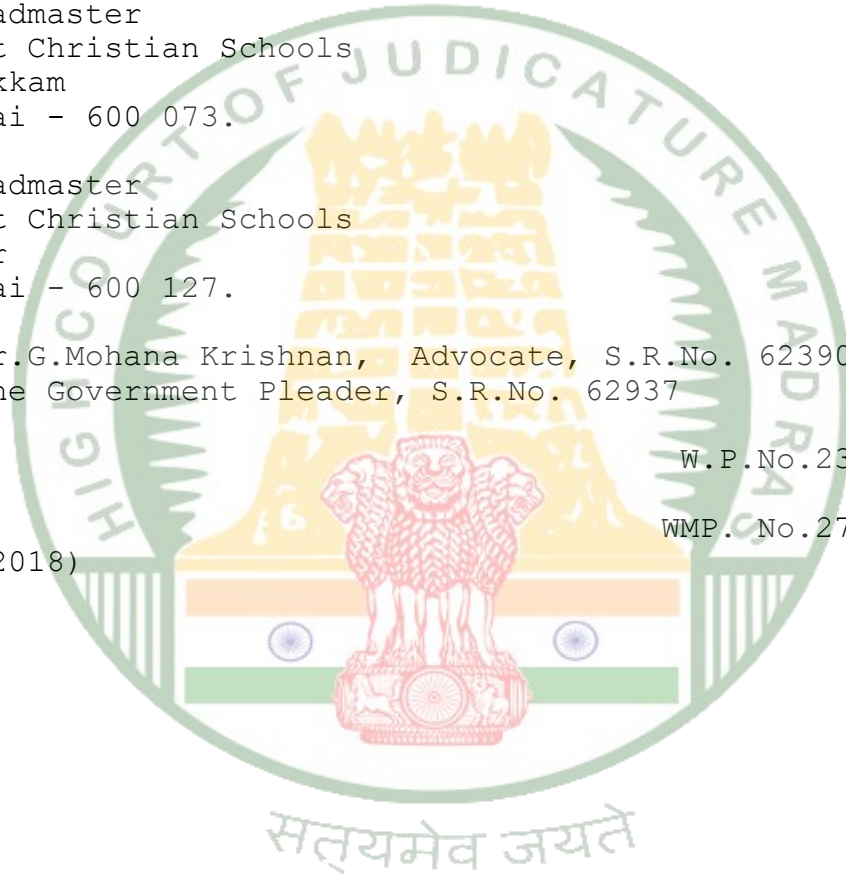
4. The Headmaster
Advent Christian Schools
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Chennai - 600 127.

+1cc to Mr.G.Mohana Krishnan, Advocate, S.R.No. 62390

+1cc to the Government Pleader, S.R.No. 62937

W.P.No.23562 of 2018
in
WMP. No.27515 of 2018

GN(11/09/2018)



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