

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.06.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.13731 of 2018 and WMP No.16199 of 2018

Sister.L.Nirmala, Msc., B.Ed., M.Phil,
Middle School Headmistress,
St. Mary's Middle School, Valispet,
Cuddalore District

Petitioner

Versus

1. The Director of School Education,
College Road, Nunagambakkam,
Chennai - 600 006.
2. The Chief Educational Officer,
Cuddalore.
3. The District Educational Officer,
Cuddalore.
4. The Superior General,
Sisters of the Sacred Heart of Jesus,
Sacred Heart Generalate,
Narkarunai Nagar, Phase - I, TNHB,
33rd Cross Street, Sathuvachari Post,
Vellore - 632 009.
5. The Secretary,
Diocesan Education Committee,
Thanjavur - 613 007.

6. The Correspondent,
St. Mary's Middle School,
Valispet,
Cuddalore District.
7. Sister.Panimayaselvi,
Hearmistress,
R.C.Middle School,
Mittatharkulam, Radhapuram Range,
Tirunelveli District
8. The Additional Assistant Elementary Educational Officer,
Keerapalayam,
Cuddalore District ..
Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified mandamus calling for the entire records connected with the impugned notice passed by the 5th respondent vide Ref. No.DEC/TO/2018/R01 dated 31.05.2018 and quash the same and consequently direct the 4th and 5th respondent to transfer the petitioner to Nirmala Matha High School, Pathiyavaram, Vellore District or any other school coming under the 5th respondent diocese.

For Petitioner : M/s.N. Ravichandran
For Respondent : Mr.P.Raja
Government Advocate
for R1, R2, R3 and R8

ORDER

The petitioner in this case has challenged the order
of transfer from St.Mary's Middle School at Valispet, Cuddalore District

to R.C.Middle School, Mittatharkulam, Trinelveli District passed by the 4th respondent dated 16.05.2018, on the ground that same is extenuating with malafide and punitive, inasmuch as, she raised a voice against Sexual harassment committed by the correspondent. Therefore, the petitioner has made a prayer to quash the transfer order passed by the 4th respondent and seeking for a direction to allow the petitioner to continue in the same location or any other school coming under 5th respondent diocese.

2. After hearing the learned counsel appearing for the petitioner and also going through the materials on record and also the fact that the petitioner has been relieved, I am not inclined to interfere with the aforesaid order.

3. The learned counsel appearing for the petitioner would submit that the petitioner has already submitted a representation in this regard and the respondents be directed to consider the representation to place the petitioner in a nearby place after taking into consideration of the difficulties faced by the petitioner and also the excellent service rendered by her and also

<http://www.judis.nic.in> submitted that she shall join in the new post in the meanwhile.

4. Considering such submissions, the learned counsel appearing for the petitioner, this Court dispose of this writ petition with a direction to the respondent notwithstanding the fact that the petitioner would join in the new place of posting , her representation made in this regard to modifies the order of transfer made to the 5th respondent shall be considered and disposed of within a period of six weeks from the date of receipt of a copy of this order taking into consideration of the relevant materials on record.

5. With the aforesaid order, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

07.06.2018

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
To

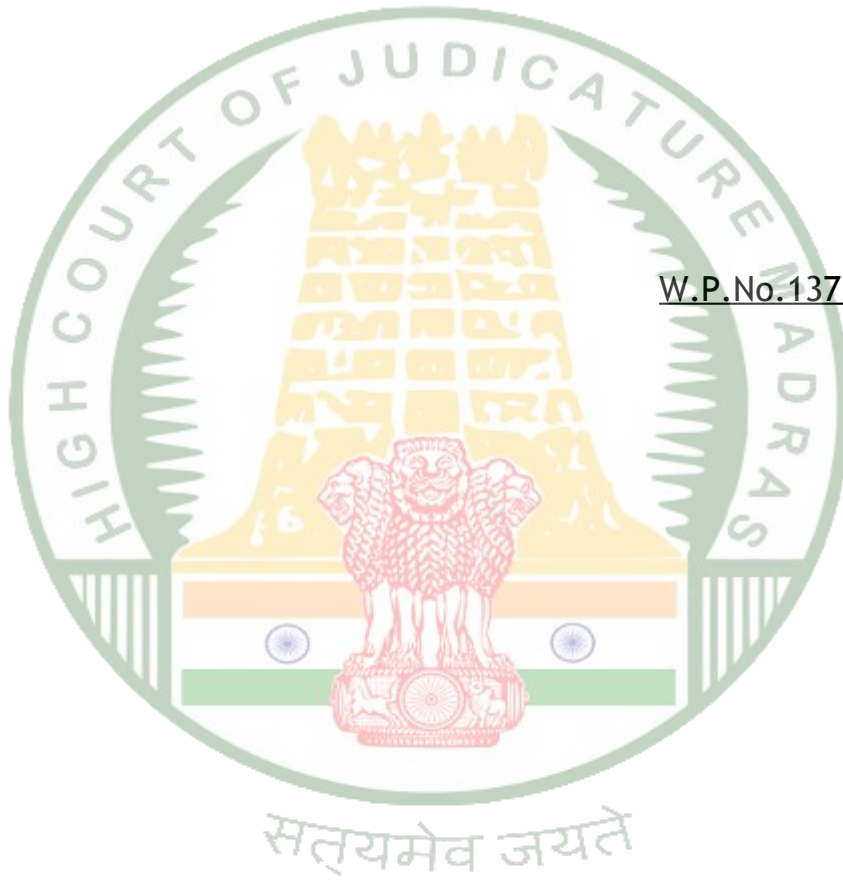
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SATRUGHANA PUJAHARI.,J
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