



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.10935 of 2017

and

W.M.P. (MD) No.8366 and 8367 of 2017

1.N.Danaletchumy

2.S.Selvamani

... Petitioners

Vs.

1.The Director of Elementary Education,
Chennai-600 006.

2.The District Elementary
Educational Officer,
O/o.the District Elementary Educational Officer,
Sivagangai,
Sivagangai District.

3.The Assistant Elementary
Educational Officer,
O/o.The Assistant Elementary Educational Officer,
S.Pudur,
Sivagangai District.

4.P.C.Parthasarathi,
The District Elementary Educational Officer,
O/o.The District Elementary Educational Officer,
Sivagangai,
Sivagangai District.

5.P.Radhakrishnan,
The Assistant Elementary Educational Officer,
S.Pudur,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of transfer in Na.Ka.No.1194/Aa2/2017, dated 16.05.2017, on the file of the Respondent No.2 and quash the same as illegal.



For R-1 to R3 : Mr. M.Jeyakumar
Additional Government Pleader
For R5 : Mr. V.Ramakrishnan
For R4 : No Appearance

WEB COPY

ORDER

Heard the learned counsel on either side.

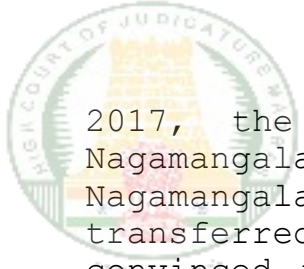
2.By consent of both the parties, the main writ petition is taken up for final disposal.

3.The first petitioner is the Headmistress of Nagamangalam Panchayat Union Middle School, Nagamangalam, Sivagangai District, who was originally working in Nagamangalam. The petitioners herein challenge the impugned Order of Transfer dated 16.05.2017, whereby the first petitioner Dhanaletchumy has been transferred from Nagamangalam to Dharmapatti, while second petitioner was transferred from Dharmapatti to Nagamangalam. Both of them are working as Headmasters of the respective Panchayat Union Middle Schools. The first petitioner was working as a Headmistress of Panchayat Union Middle School, Nagamangalam in August 2016. She was said to have compelled the students to clean the school toilets. This gave rise to considerable public out cry. There was a public protest and therefore the first petitioner Dhanaletchumy was transferred by order dated 10.08.2016. Subsequently, the said order was revoked on 29.09.2016. Since there was considerable local protest against the first petitioner, again, she was transferred vide order dated 26.10.2016 from Nagamangalam to Urathupatti. There was subsequent orders of transfer on 31.01.2017 and 20.04.2017. By order dated 20.04.2017 the first petitioner once again came back her original place of posting namely Panchayat Union Middle School, Nagamangalam. Since the public anger against the first petitioner did not lie down, on this administrative ground, the District Elementary Educational Officer, Sivagangai, once again transferred the first petitioner to Dharmapatti by the impugned order dated 16.05.2017. As a consequence, the second petitioner have to be transferred from Dharmapatti to Nagamangalam. It is this transfer that is questioned by both the Headmasters in this Writ Petition.

4.The learned counsel appearing for the petitioners would strongly contend that the petitioners have been vexed with as many as four orders within a span of seven months. This Court was initially swayed by the said submission. But, on a deeper perusal, it can be seen that the first petitioner had tried to come back to her original place of posting. It was the conduct of the first petitioner at Nagamangalam Panchayat Union Middle School that triggered her transfer to Urathupatti.

<https://hcservices.ecourts.gov.in/hcservices/>

5.This transfer order was passed in October 2015. In April



2017, the first petitioner had chosen to get re-transfer to Nagamangalam. Since the re-transfer from Urathupatti to Nagamangalam would have been so obvious, the petitioner was transferred from Urathupatti to Ariyandipatti. This Court is fully convinced that the first petitioner is quite influential so as to secure a transfer back to the place where the controversy originally arose. The transfer is an institution of service. The petitioners' rights are in no way infringed. The first petitioner has not suffered any reversion. The first petitioner continues to be Headmistress in the transferred place also. After the transfer takes place it has been made to another school within the same Panchayat Union. The petitioner had needlessly thrown allegations on the fifth respondent. The fifth respondent had filed a detailed counter affidavit denying the mala fide attributed to him by the petitioners.

6. There is absolutely no merit in the writ petition. It stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Director of Elementary Education,
Chennai-600 006.
2. The District Elementary
Educational Officer,
O/o. The District Elementary Educational Officer,
Sivagangai,
Sivagangai District.
3. The Assistant Elementary
Educational Officer,
O/o. The Assistant Elementary Educational Officer,
S. Pudur,
Sivagangai District.
4. P. C. Parthasarathi,
The District Elementary Educational Officer,
O/o. The District Elementary Educational Officer,
Sivagangai,
Sivagangai District.
5. P. Radhakrishnan,
The Assistant Elementary Educational Officer,



S.Pudur,
Sivagangai District.

+1CC to Special Government Pleader in SR.No.42853.

+1CC to Mr.V.Ramakrishnan Advocate in SR.No.42791.

+1CC to Mr.T.Lajapathi Roy Advocate in SR.No.42785.

TSG/PNN

DS/RP/SAR-1 :12.07.2018: 4P/9C

ORDER MADE IN
W.P. (MD) No.10935 of 2017
and
W.M.P. (MD) No.8366 and 8367 of 2017

18.01.2018