



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

W.P(MD)No.20077 of 2018

and

W.M.P(MD)No.17833 and 17834 of 2018

N.Saradha,
Secondary Grade Teacher,
Government Boys Higher Secondary School,
Tiruvadanai, Ramanathapuram District.

.. Petitioner

Vs.

1. The Chief Educational Officer,
Ramanathapuram, Ramanathapuram District.
2. The District Educational Officer,
Ramanathapuram, Ramanathapuram District.
3. The Headmaster,
Government Boys Higher Secondary School,
Tiruvadanai, Ramanathapuram District.
4. Mutharasu,
Secondary Grade Teacher,
Government Higher Secondary School,
Mangalkudi, Ramanathapuram District.
5. The Headmaster,
Government Higher Secondary School,
Mangalkudi, Ramanathapuram District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned orders issued by the first respondent Chief Educational Officer in Na.Ka.No.6468/a2/2018 dated 12.09.2018 deputing the petitioner from the third respondent school namely, Government Boys Higher Secondary School, Tiruvadanai to the fifth respondent school namely, Government Higher Secondary School, Mangalkudi and Na.Ka.No.6468/a2/2018 dated 12.09.2018 deputing the fourth respondent Thiru.Mutharasu from fifth respondent school to third respondent school and quash the same.

For Petitioner	: Mr.E.V.N.Siva
For Respondents	: Mrs.Srimathy,
1 to 3 and 5	Special Government Pleader.
For Respondent No.4	: No appearance

**ORDER**

The writ petition is filed challenging the impugned order passed by the first respondent deputing the writ petitioner from the third respondent school at Thiruvadanai, Ramanathapuram District to the fifth respondent school at Mangalkudi, Ramanathapuram District during the middle of the academic year without any administrative exigencies.

2. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader representing the respondents 1 to 3 and 5.

3. This Court on being *prima facie* satisfied about the merits of the writ petition has granted interim order of stay of the impugned order, at the time of admission. Pursuant to that, the impugned order has not been given effect to. Notice served to the fourth respondent who was posted in the place of the writ petitioner under the impugned order was served, but he is neither present before this Court in person or represented through counsel. Considering the gravity of the case, the matter is taken up for final disposal on hearing both the parties.

4. The first respondent herein vide his order dated 12.09.2018 has posted the writ petitioner to the fifth respondent school on deputation from 12.09.2018 until further orders. On the same day, the first respondent has also passed another order in respect of the fourth respondent, Mutharasu, who is the incumbent at Mangalkudi, deputing him to the school at Thiruvadanai where the writ petitioner is serving. Both the transfer orders would indicate that the transfer is effected taking into consideration the welfare of the students. Except a small difference in the transfer order issued to the fourth respondent, in reference, the first respondent has referred about a complaint given by one Syubu Nisha, mother of eighth standard student, on 01.08.2018.

5. The disturbance to the writ petitioner appears to be to accommodate the fourth respondent. Since the transfer is in the mid of the academic year and the reason assigned for transferring the writ petitioner to Thiruvadanai does not appear to be genuine and colourable exercise of power to accommodate the fourth respondent, the order passed by the first respondent in respect of the writ petitioner herein vide his letter dated 12.09.2018 is hereby quashed and the writ petition is allowed accordingly. This order shall not stand in the way of the first respondent to transfer the fourth respondent elsewhere, if such transfer is necessary in the interest of students. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(crl side)

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Sub Assistant Registrar(CS-I)



To

1. The Chief Educational Officer,
Ramanathapuram, Ramanathapuram District.
2. The District Educational Officer,
Ramanathapuram, Ramanathapuram District.
3. The Headmaster,
Government Boys Higher Secondary School,
Tiruvadanai, Ramanathapuram District.
4. The Headmaster,
Government Higher Secondary School,
Mangalkudi, Ramanathapuram District.

+1cc to Mr.E.V.N.Siva, Advocate Sr.No.95110

SMN

VB/BK/SAR1/10.12.2018/3P/6C

ORDER MADE IN
W.P (MD) No.20077 of 2018
and
W.M.P (MD) No.17833 and 17834 of 2018
13.11.2018