

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.22855 of 2018
and
WMP.No.26700 of 2018

S.Sathyapriya

...Petitioner

Vs

1. The Block Educational Officer,
Bhavani, Erode District.

2. The Headmistress,
Panchayat Union Elementary School,
Pudupalayam, Erode District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 27.06.2018 made in Na.Ka.No.1093/A1/2018 passed by the 1st respondent, quash the same and consequently direct the respondents to permit me to continue my service in the 2nd respondent school.

For Petitioner :Mr.K.Rajendran

For Respondents : Mr.A.Kumar,

Addl.Advocate General

Assisted by,

Mr.A.Rajaperumal,

Addl.Govt.Pleader for R1 & R2

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O R D E R

The order of deputation issued by the first respondent in proceeding dated 27.06.2018, transferring the writ petitioner from A.Pudupalayam Panchayat Union Primary School to Panchayat Union Primary School, Kavundapadi North, is under challenge in the present writ petition.

2. The said order of deputation is issued in the interest of the children studying in the Primary School. The distance between the places is 2 kms. The order of deputation is issued on the ground that, the Authorities had received certain complaints against the writ petitioner and for the smooth running of the administration, the writ petitioner was deputed to the other school at Kavundapadi North. Challenging the said order, the present writ petition is filed.

3. The learned counsel for the writ petitioner states that, the order of transfer was issued with the mala fide intention and by erroneously entertaining the complaint lodged by the Parent Teacher Association. So far, there is no allegation against the writ petitioner and she is having clear record of service. Under these circumstances, the collection of money by the Parent Teacher Association was questioned by the writ petitioner and that was misconstrued by the President of the Parent Teacher Association, and he made a complaint to the first respondent, who in turn passed the impugned order deputing the writ petitioner from A.Pudupalayam Panchayat Union Primary School to Panchayat Union Primary School, Kavundapadi North. Thus, the impugned order is untenable and mala fide.

4. The learned Additional Advocate General appearing on behalf of the respondent disputed the contentions raised on behalf of the writ petitioner by stating that, the Parent Teacher Association passed a resolution on 27.03.2018, requesting the Competent Authorities to transfer the writ petitioner on the basis of various allegations made by them. As the then Office bearers of the Parent Teacher Association frequently submitted representations to transfer the writ petitioner from the School in the interest of administration. The Competent Authorities had enquired the truth regarding the allegations. Considering the situations, facts and circumstances, and in the interest of School administration, the writ petitioner was deputed from A.Pudupalayam Panchayat Union Primary School and posted as Secondary Grade Teacher in Panchayat Union Primary School, Kavundapadi North, and the order was passed only on deputation basis in proceeding dated 27.06.2018.

5. It is clarified that, there is no adverse remarks in the service record of the writ petitioner. The writ petitioner has not made any complaint to the first respondent about the alleged collection of Rs.600/- by the Headmistress from the students for admission. However, during the course of enquiry, the fact reveals that, some amount was collected from the willing students Parent Teacher Association and the said amount collected was spent for developmental purposes of the School and the Headmistress has no role in respect of the collection made

by the Parent Teacher Association. The writ petitioner has not made any report to the higher Authorities, regarding the alleged collection of money by the 2nd respondent. Considering all the facts and circumstances, the Competent Authorities had taken a decision to depute the writ petitioner to the nearby School in order to run the administration smoothly and efficiently.

6. The learned Additional Advocate General submitted the Rules relating to the Parent Teacher Association and Rule 20 Sub-clause 3, provides that, for certain developmental activities, the Parent Teacher Association is at liberty to receive donations with the permission of the general body. When there is a provision to collect such donation from the willing parents and students, there is no bar for such collection and spent money for the developmental activities. In case of any complaint, the Competent Authorities have to conduct an enquiry. However, in the present case, the writ petitioner has not filed any report in respect of such collection, nor during enquiry, there is no complaint against such collection either from student or from the other parents.

7. This being the factum, it is contended that the ground regarding the collection of money is taken in order to circumvent the impugned order passed deputing the writ petitioner from A.Pudupalayam Panchayat Union Primary School to Panchayat Union Primary School, Kavundapadi North. An order of deputation is issued on certain administrative exigencies. The Competent Authorities was of the opinion that, some complaints are made by the Parent Teacher Association and allowing the writ petitioner to continue in the same station would cause further inconvenience both to the Parent Teacher Association as well as to the children studying in the School.

8. Under these circumstances, an administrative decision was taken to depute the writ petitioner to nearby School which just 2 kms away from the A.Pudupalayam Panchayat Union Primary School. Under these circumstances, there cannot be any difficulty for the writ petitioner to join and serve in the interest of children who all are studying in the School. Contrarily, the writ petitioner has proceed on leave with effect from 27.06.2018 onwards and in this regard, it is left open to the Authorities to initiate appropriate action in accordance with the Rules in force.

9. However, this Court is of the considered opinion that, there is no infirmity as such in respect of the order of deputation passed by the respondent deputing the writ petitioner to the nearby School in the interest of School administration.

10. Accordingly, the writ petition is devoid of merits and

stands dismissed. No Costs. Consequently, connected
miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

Pkn

To

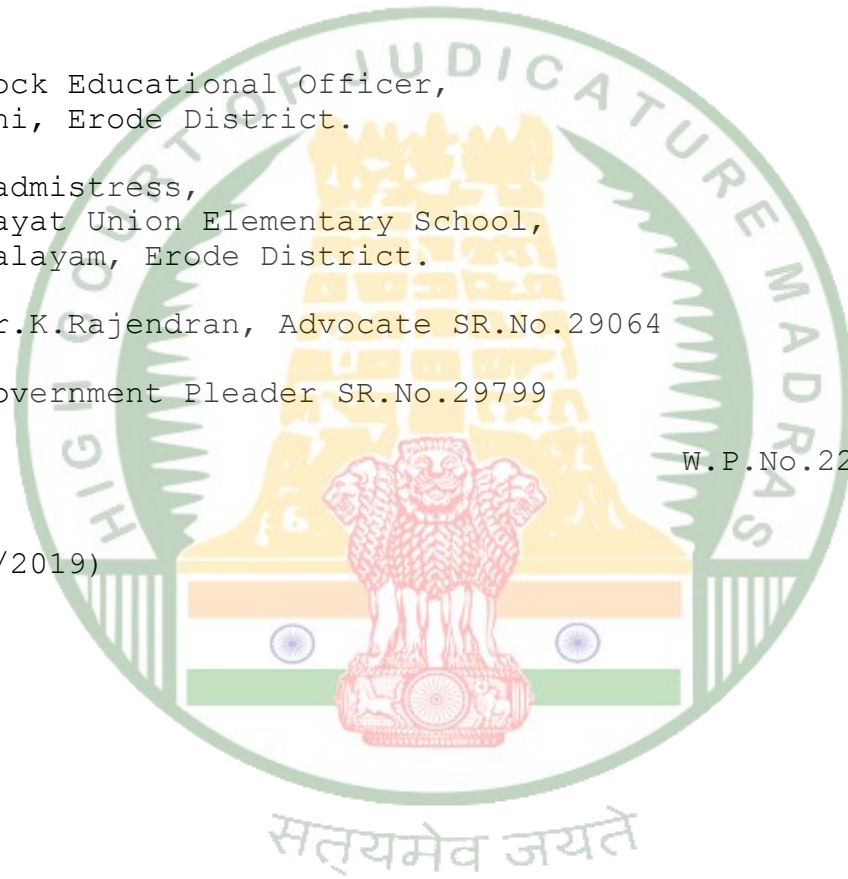
1. The Block Educational Officer,
Bhavani, Erode District.
2. The Headmistress,
Panchayat Union Elementary School,
Pudupalayam, Erode District.

+1cc to Mr.K.Rajendran, Advocate SR.No.29064

+1cc to Government Pleader SR.No.29799

W.P.No.22855 of 2018

AK (CO)
GMY (30/04/2019)



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