

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.12.2019
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.23006 of 2019
and
WMP Nos.22681, 22683 & 32014 of 2019

V.Kalaiselvan

... Petitioner

.Vs.

- 1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
- 2.The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 3.The District Educational Officer,
Polur Education District,
Thiruvannamalai District.
- 4.Mr.S.Vasudurai,
Secondary Grade Teacher,
Government Boys Higher Secondary School,
Adamangalam, Kalasapakkam Taluk,
Thiruvannamalai District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 2nd respondent in Na.Ka.No.9527/A4/2019 dated 10.07.2019 in favour of the petitioner and the subsequent order issued by the 2nd Respondent in Na.Ka.No.9527/A4/2019 dated 10.07.2019 in respect of fourth respondent and to QUASH the same and consequently directing the respondents to allow the petitioner to continue to work as the Secondary Grade Teacher within the sanctioned post in Sandhavasal Government Higher Secondary School, Polur Taluk, Thiruvannamalai District with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents: Mrs.V.Annalakshmi
Government Advocate

O R D E R

This writ petition has been filed challenging the order of transfer passed by the 2nd respondent transferring the petitioner from Sandhavasal Government Higher Secondary School to the Adhamangalam Government Boys Higher Secondary School.

2.It is the case of the petitioner that he was appointed in the year 1996 as Secondary Grade Teacher and he was transferred to Sandhavasal Government Higher Secondary School in the year 2004. According to the petitioner, the present transfer order came to be passed on the ground that there were some disciplinary proceedings initiated against the 4th respondent and in order to transfer the 4th respondent from his School from Adhamangalam to Sandhavasal, the petitioner is being transferred to Adhamangalam in the place of the 4th respondent. When the writ petition came up for admission, this Court granted stay of the transfer order.

3.Mr.G.Sankaran, learned counsel for the petitioner submitted that the order of transfer passed by the 2nd respondent is per se illegal. The learned counsel submitted that the enquiry was conducted as against the 4th respondent and in order to transfer him to a different school, the petitioner cannot be made to suffer the consequences and he cannot be transferred from Sandhavasal Government Higher Secondary School to Adhamangalam. The learned counsel submitted that pursuant to the interim order passed by this Court, the petitioner and the 4th respondent have been accommodated in their respective schools and the same position can continue. सत्यमेव जयते

4.Per contra, Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of the respondents submitted that the order of transfer was passed on administrative grounds. However, pursuant to the interim order passed by this Court, the petitioner and the 4th respondent have been accommodated in their respective schools and the said status will continue.

5.It is clear from the submissions made on either side that the status quo ante has been restored and the impugned

transfer order dated 10.07.2019, has not been acted upon. Even otherwise, if the 4th respondent is facing an enquiry and he has to be shifted to a different school, that cannot be done at the cost of the petitioner. In other words, the petitioner cannot be made to suffer the consequence of an enquiry that is faced by the 4th respondent. The order of transfer is liable to be interfered on this ground also.

6. In view of the subsequent development that has taken place in this writ petition, the submissions made by the learned counsel appearing on behalf of the respondents is recorded and it is made clear that the respondents shall not act upon the impugned transfer Order dated 10.07.2019.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

KP
To

1. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

3. The District Educational Officer,
Polur Education District,
Thiruvannamalai District.

+1cc to Mr.G.Sankaran, Advocate sr.103072
+1cc to Government Pleader SR.NO. 104003

W.P.No.23006 of 2019

pm(co)
nr 29/01/2020