

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 26372 of 2019
and
W.M.P.No. 25736 of 2019

N.Ekambaram

..Petitioner

Vs

1. The Director of School Education,
DPI Campus,
E.V.K. Sampath Maligai
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Villupuram District
Villupuram

..
Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 30.05.2019 made in Na.Ka.No. 15160/A2/2018 passed by the 2nd respondent in so far as transferring the petitioner to Kadambur Government High School, Villupuram District for the post of BT Assistant - Mathematics to quash the same and consequently to direct the 2nd respondent to reinstate the petitioner in service with all monetary benefits at V.Agaram Colony Government High School, Villupuram Taluk and District as BT Assistant - Mathematics forthwith.

For Petitioner : Mr.C.Prabakaran
For Respondents : M/s.V.Annalakshmi
Government Advocate

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 30.05.2019 made in

Na.Ka.No. 15160/A2/2018 passed by the 2nd respondent in so far as transferring the petitioner to Kadambur Government High School, Villupuram District for the post of BT Assistant - Mathematics, to quash the same and consequently, to direct the 2nd respondent to reinstate the petitioner in service with all monetary benefits at V.Agaram Colony Government High School, Villupuram Taluk and District as BT Assistant - Mathematics forthwith.

2. The case of the petitioner is that he was appointed on 29.12.2008 as BT Assistant Mathematics in Government Higher Secondary School, Sangeethamangalam, Villupuram District and he was discharging his services effectively. The petitioner was transferred from Sangeethamangal to V.Agaram Colony Higher Secondary School as BT Assistant - Mathematics in the Higher Secondary School on 29.09.2010 for the reasons best known to them. Subsequently the said transfer order was cancelled on 30.09.2010 and again the petitioner was permitted to work at Government Higher Secondary School, Sangeethamangalam, Villupuram District and accordingly the petitioner was working thereon.

3. It is averred in the writ petition that for the flimsy reasons, the petitioner was suspended from service by the 2nd respondent on 23.10.2018, as there was a flaw while conducting inspection by the petitioner. Followed by which a charge memo was issued to the petitioner under Rule 17(b) of Tamil Nadu Subordinate Service (Discipline and Appeal) Rules on 02.11.2018 and show cause notice was also issued calling for explanation of the petitioner by the 2nd respondent on 22.01.2019. At this juncture, the 2nd respondent has revoked the order of suspension and reinstated the petitioner in service on 30.05.2019 and transferred the petitioner to Kadambur Government High School, Villupuram District which is 120 k.m. away from the present place. Hence the present writ petition is filed.

4. The learned Government Advocate appearing for the respondents would refute the allegations raised by the petitioner.

5. On perusal of the records, it reveals that the petitioner was working as B.T.Assistant and he was placed under suspension on the ground that he was not available in the class allotted to him and was taking rest in the room. On that allegation, he was placed under suspension on 23.10.2018. Thereafter, the suspension order was revoked a charge sheet was issued on 02.11.2018. After issuing the charge memo again he was transferred to Kadambur Higher Secondary School, Villupuram District. Challenging the same, the present writ petition is filed.

6. This Court is unable to countenance the contentions raised by the petitioner, since the earlier suspension was revoked without prejudice to the disciplinary proceedings pending and transferring the petitioner to the Government Higher Secondary School, Kadambur, Villupuram District.

7. In the absence of proper explanation, this Court is not inclined to interfere with the impugned order and the present writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Director of School Education,
DPI Campus,
E.V.K. Sampath Maligai
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Villupuram District
Villupuram

+lcc to Mr.C.Prabakaran, Advocate sr.77556

W.P.No. 26372 of 2019

bs(co)
nr 03/01/2020

WEB COPY