

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2019

Coram

The Honourable Mr. Justice M.DHANDAPANI

W.P.No.26473 of 2019
and WMP No.25841 of 2019

D. Bhuvana ... Petitioner

- vs.
1. The Chief Educational Officer,
Vellore District
Vellore.
 2. The District Educational Officer,
Vellore District
Vellore.
 3. The Head Master,
Government Girls Higher Secondary School.
Poigai,
Vellore District
- Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the entire records in pursuant to the proceedings of the 1st respondent in Na.Ka.No.6336/A4/2019 dated 28.08.2019 and the consequent relieving order issued by the 3rd respondent vide Na.Ka.No.56/2019 dated 29.08.2019 both issued to the petitioner and quash both of them.

For Petitioner : Mr.T.P. Prabakaran

For respondents : Mr.C. Munusamy
Spl.G.P

WEB COPY
ORDER

The petitioner has filed the writ petition seeking to issue a Writ o Certiorari to call for the entire records in pursuant to the proceedings of the 1st respondent in Na.Ka.No.6336/A4/2019 dated 28.08.2019 and the consequent relieving order issued by the 3rd respondent vide Na.Ka.No.56/2019 dated 29.08.2019 both issued to the petitioner and quash both of them.

2. The case of the petitioner is that the petitioner filed the Writ Petition, challenging the impugned order of transfer on the ground that the transfer order was passed by the first respondent by way of punishment. It is the further case of the petitioner that the petitioner is a Post Graduate Teacher in Government Girls Higher Secondary School, Poigai and on 27.08.2019, one +2 student by name Abirami came late and the petitioner warned her and told her not to repeat the same. But she showed signs of giddiness and lost her balance. But immediately, she became alright and the girl's parents came to the school and verbally complained against the petitioner to the third respondent. Thereafter, they realised that the student came to school without breakfast and she walked long distance to reach the class room. After prayer, again she suffered from giddiness and drowsiness and fell down, for which, the petitioner is not responsible. Immediately Ambulance came to the spot and on seeing the student and finding that she did not suffer from any health problem, the Ambulance left. Thereafter, local people and some members of Parents Teachers Association assembled in front of the school and raised slogans against the petitioner. Thereafter, the impugned order of transfer was passed transferring the petitioner to Government Higher Secondary School, Agravaram.

3. The learned counsel for the petitioner would submit that the present impugned transfer is only by way of punishment. Immediately, after conducting enquiry, the petitioner was transferred from Poigai to Government High Secondary School, Agravaram, which cannot be accepted and therefore, prays for allowing the writ petition.

4. The learned Special Government Pleader stated that the petitioner attacked +1 student, thereby she fell down in the floor and thereafter parents and others were assembled and have raised slogans against the petitioner. The learned Special Government Pleader further stated that the petitioner has also misbehaved with other class teachers and in order to maintain discipline and also considering the administrative exigencies, the petitioner was transferred by the impugned order and therefore, prayed for dismissal of the writ petition.

5. This Court perused the impugned transfer order, wherein, it revealed that the petitioner attacked the girl student and he misbehaved with the other school teachers and in order to maintain the discipline, the petitioner was transferred.

6. Admittedly, transfer is not a punishment. The respondents have power to transfer teachers for smooth functioning and also on the basis of administrative reasons.

Accordingly, only to maintain discipline and also for administrative reasons, the petitioner was transferred by the impugned order, which cannot be treated as punishment.

7. Therefore, I am not inclined to interfere with the impugned order passed by the first respondent in Na.Ka.No.6336/A4/2019 dated 28.08.2019. Hence, the writ petition is dismissed. No costs. Consequent, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

sr

To

1. The Chief Educational Officer,
Vellore District
Vellore.
2. The District Educational Officer,
Vellore District
Vellore.
3. The Head Master,
Government Girls Higher Secondary School.
Poigai,
Vellore District

+1cc to Mr.T.P. Prabakaran, Advocate SR.No.76452

+1cc to Government Pleader SR.No.76894

W.P.No.26473 of 2019

GP (CO)
GMY (06/09/2019)

WEB COPY