



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WP(MD).No.12767 of 2019 and

WMP(MD).Nos.9501 and 9502 of 2019

WEB COPY

R. Edwin Selvaraj

: Petitioner

Vs.

1.The Director of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai.

2.The Joint Director of Elementary School Education,
Directorate of School Education,
DPI Complex, College Road, Chennai.

3.The Chief Educational Officer,
Thoothukudi District,
VE Road, Thoothukudi.

4.The District Educational Officer,
Tiruchendur Educational District,
Tiruchendur,
Thoothukudi District.

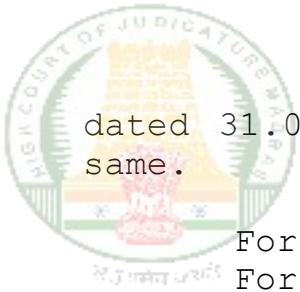
5.The Manager,
TNDTA Primary Middle Schools
CSI Thoothukudi Nazareth Diocese,
Cadwell Higher Secondary School Campus,
Beach Road,
Thoothukudi.

6.The Correspondent,
TNDTA Primary School,
Kattarimangalam,
Palaniyappapuram Pastorate,
Thoothukudi District.

7.The Correspondent,
TNDTA Primary School,
Nesapuram,
Tiruchendur Taluk,
Thoothukudi District.

: Respondents

Prayer: This Writ Petition is filed under Article 226 of the
Constitution of India for issuing a Writ of Certiorari calling for
the records relating to the impugned order of transfer of the
petitioner from 6th respondent school to 7th respondent school,



dated 31.05.2019 on the file of the 5th respondent and quash the same.

For Petitioner : Mr.R. Maheswaran
For R1 to R4 : Mrs.S. Srimathy
Special Government Pleader
For R5 : Mr. Lakshmi Narayanan
for M/s. Kingsley Soloman

ORDER

This Writ Petition has been filed seeking to call for the records relating to the impugned order of transfer of the petitioner from 6th respondent school to 7th respondent school, dated 31.05.2019, on the file of the 5th respondent and quash the same.

2. The learned counsel appearing for the petitioner submitted that the 5th respondent has passed an order of transfer transferring the petitioner from 6th respondent school to the 7th respondent school, but, the same was not approved by the educational authorities concerned and thereby, depriving the petitioner's salary. He would further submit that the institution is not a minority institution and hence, the impugned order passed by the 6th respondent is liable to be quashed.

3. The learned counsel appearing for the 5th respondent Management would submit that it has already been recorded by this Court in WP(MD).No. 5863 of 2019, dated 26.04.2019, the 5th respondent institution is a minority institution and hence, now, the petitioner cannot raise the said ground in the present Writ Petition. He would further submit that the Writ Petitioner is a competent person to raise, it is only when the respondents authority has raised the said issue before this Court in their favour. The other contention with regard to the payment of salary is concerned this Court by order dated 06.06.2019, dismissed the Writ Petition filed by the similarly placed persons before this Court in W.P(MD).No.12886 of 2019, dated 06.06.2019, and hence, following the same this Writ Petition is liable to be dismissed by this Court.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the dispute with regard to payment of salary, which was raised by the petitioner in paragraph No.6 of the affidavit due to the transfer order given to the petitioner, he could not get salary from the Department is not correct and the respondent Department shall continue to pay the salary to the petitioner from the date of transfer till joining in the 7th respondent school.

5. Heard the learned counsel appearing on either side and



perused the materials available on record.

6. Considering the aforesaid case, this Court will not find fault with the impugned order passed by the 6th respondent / management and consequently, the Writ Petition fails and the same is dismissed. It is open to the petitioner, to work out his remedy before the respondent Management, if he is so advised. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Director of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai.

2.The Joint Director of Elementary School Education,
Directorate of School Education,
DPI Complex, College Road, Chennai.

3.The Chief Educational Officer,
Thoothukudi District,
VE Road, Thoothukudi.

4.The District Educational Officer,
Tiruchendur Educational District,
Tiruchendur,
Thoothukudi District.

+1 CC to M/s.R.MAHESWARAN, Advocate(SR-67778[F] dated
11/06/2019)

+1 CC to M/s.SPL GP (SR-67989[F] dated 11/06/2019)

TRP

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10.06.2019

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