



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.12886 of 2019

and

W.M.P[MD]Nos.9588 & 9589 of 2019

A.Samuel Sathyaseelan

... 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 - 3.

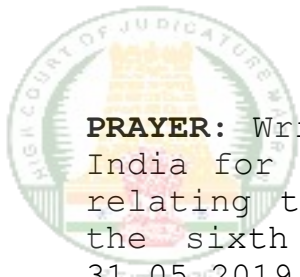
4.The District Educational Officer,
Tiruchendur Educational District,
Tiruchendur, Thoothukudi District.

5.The Manager,
High School, Higher Secondary School
Teacher Training Institute and Special School,
CSI Thoothukudi Nazereth Diocese
Caldwell High Secondary School Campus,
Beach Road, Thoothukudi - 628 001.

6.The Correspondent,
Ambrose Higher Secondary School,
Meignanapuram,
Thoothukudi District.

7.The Correspondent,
St.Micheals Higher Secondary School,
Muddalur,
Thoothukudi District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorari, calling for the records relating to the impugned order of transfer of the petitioner from the sixth respondent school to seventh respondent school dated 31.05.2019 on the file of the fifth respondent and quash the same.

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For Petitioner : Mr.R.Maheswaran

For Respondents 1 to 4 : Mrs.S.Srimathi
Special Government Pleader

For Respondent No.5 : Mr.Pethu Rajesh

O R D E R

The order of transfer issued by the Manager of CSI Thoothukudi Nazereth Diocese in proceedings dated 31.05.2019 is under challenge in the present writ petition. The writ petitioner working as Lab Assistant at Ambrose Higher Secondary School, Meignanapuram, is transferred to St.Micheals High Secondary School, Mudalur, in the place of one Mr.K.Samuel Soundrarajan, Lab Assistant.

2.Transfer is an incidental to service. More so, it is a condition of service. Transfer is not a punishment and an administrative exigency. Administrative transfers are issued by the employer for the maintenance of effective administration. Thus, the employee may not have any right to challenge the order of transfer in a routine manner. A writ against the order of transfer can be entertained only if the same has been issued by an incompetent authority having no jurisdiction or an allegation of malafide on him or the same is in violation of the statutory rules. Even on the ground of allegation, the authority against whom such an allegation is made is to be impleaded as party respondent in the individual capacity. In the absence of all these factors, no writ petition can be entertained.

3.The order of administrative transfer can be issued on several circumstances by the competent authority. In the present case, the sixth respondent school itself is a private management and the writ petitioner is transferred from one school to another school functioning within the same administrative control of CSI Thoothukudi Nazereth Diocese. Under these circumstances, the writ petitioner has not made out any acceptable ground for the purpose of interfering with the order of transfer in proceedings dated 31.05.2019.

4.The learned Counsel for the writ petitioner raised an apprehension that the respondents may not pay salary to the writ petitioner in the transferred place. It is made clear that the competent authorities on transfer is bound to pay salary to the employee if there is no other legal impediment. An employee who is



transferred from one school to another school cannot be denied his right of salary in accordance with the Rules in force. Thus, the respondents should ensure the salary of the writ petitioner is paid in accordance with the rules and without any undue delay.

5. With these observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director of School Education,
Directorate of School Education,
DPI Complex College Road, Chennai.
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Directorate of School Education,
DPI Complex College Road, Chennai.
 3. The Chief Educational Officer,
Thoothukudi District,
VE Road, Thoothukudi - 3.
 4. The District Educational Officer,
Tiruchendur Educational District,
Tiruchendur, Thoothukudi District.
- +1 CC to Mr.P.PETHU RAJESH, Advocate SR-67163.
+1 CC to Mr.R.MAHESWARAN, Advocate SR-67284.
+1 CC to SPL GP SR-67439.

W.P[MD)]No.12886 of 2019
06.06.2018

CS: (14/06/2019) 3P 8C