



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2019

CORAM:

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THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WP(MD).No.175 of 2016 and
WMP(MD).Nos.133 and 2185 of 2016

R. Balamurugan : Petitioner
Vs.

1.The Director of School Education,
Directorate of School Education,
DPI Compound,
College Road,
Chennai - 6.

2.The Director,
Directorate of Local Fund Audit,
4th Floor, Kurazhagam,
Chennai -1 08.

3.The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Compound,
College Road,
Chennai - 6.

4.The Regional Accounts Officer,
O/o. The Regional Accounts Office (Audit),
School Education Department,
Madurai - 625 002,
Madurai District.

5.R. Meenakshi Sundaram,
The Regional Accounts Officer (Audit),
The Regional Accounts Office (Audit),
School Education Department,
Thallakulam,
Madurai - 625 002, Madurai 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 transfer order passed by the 3rd respondent in his proceedings in Na.Ka.No.41626/23/21/2014 dated 22.12.2015 and the consequential relieving order issued by the 4th respondent in his proceedings in Na.Ka.No.2152/21/2015, dated 31.12.2015 (served to the petitioner on 01.01.2016) and quash the same.



For Petitioner : Mr. C. Venkateshkumar
for M/s. M. Ajmal Associates
For R1 to R4 : Mr.S. Srimathy
Special Government Pleader
For R5 : No appearance

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ORDER

This Writ Petition has been filed to call for the records relating to the impugned transfer order passed by the 3rd respondent in his proceedings in Na.Ka.No.41626/௮3/௨1/2014 dated 22.12.2015, and the consequential relieving order issued by the 4th respondent in his proceedings in Na.Ka.No.2152/௮1/2015, dated 31.12.2015 (served to the petitioner on 01.01.2016) and quash the same.

2. According to the petitioner, he was appointed as a Junior Assistant on 25.11.1988 at Government High School, Highways Post, Uthamapalayam and subsequently, he was promoted as Assistant and posted at Assistant Elementary Education Office, Theni, on 02.01.2002. Thereafter, he was promoted as upgraded Superintendent at District Elementary Education Office, Dindigul on 26.04.2013 and subsequently, promoted as Superintendent at Assistant Elementary Education Office, Kodaikanal, Dindigul District, on 22.12.2014. The petitioner, being the General Secretary of Tamil Nadu Kalvithurai Arasu Aluvalar Sangam, which is registered under the Societies Registration Act, preferred a complaint against the 5th respondent and in continuation of the same, fifth respondent was transferred from 4th respondent office to 2nd respondent office and once again, the 5th respondent was transferred to the same 4th respondent office within a week from Sivagangai District to Madurai District on administrative reason on 31.07.2015. While so, the petitioner joint duty as Superintendent at the office of the Regional Accounts Officer (Audit), School Education Department, Madurai on 06.08.2015. The 5th respondent, who has been working as Regional Accounts Officer (Audit) at Madurai, for the past two years, involved in various irregularities. The petitioner has made a complaint to the respondents 1 and 2 on 09.10.2015 against the 5th respondent. While so, the impugned transfer has been passed by the 3rd respondent transferring the petitioner from Madurai District to Theni District. Challenging the said order, the petitioner is before this Court and obtained an interim order and the said interim order is still in force from 2015, for the past four years.

3. The first respondent filed counter affidavit and in the counter affidavit, it has been stated that the transfer order is passed purely on administrative grounds and that by the impugned transfer order passed by the Department, the petitioner was directed to go Madurai to Theni, which is the native District of the petitioner. The petitioner being a residence of Periyakulam has been transferred to Theni and therefore, the said transfer order is only in favour of the petitioner and he can reside along with his



family members. On the contrary, the petitioner has taken a different stand and challenged the impugned transfer order. The transfer order is made purely on administrative grounds. Hence, the allegations made by the petitioner is absolutely incorrect and the same is denied by the respondents.

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4. I have heard the learned counsel appearing on either side and perused the materials available on record.

5. Considering the facts and circumstances of the case and also considering the counter affidavit filed by the respondents / Education Department that the transfer order has been issued purely on administrative grounds and further, it is specifically stated that the petitioner's family is residing at Periyakulam, Theni District, this Court is of the view that no prejudice or inconvenience would be caused to the petitioner to join in the said place.

6. In view of the above, the grounds raised by the petitioner cannot be entertained. Hence, this Writ Petition is liable to be dismissed and accordingly, is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

To

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O/o. The Regional Accounts Office (Audit),
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Madurai District.



+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-67934[F] dated 11/06/2019)

+1 CC to M/s.SPL GP (SR-68507[F] dated 13/06/2019)

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JM/09.08.2019/4P/7C