



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.17417 of 2008

and

M.P.No.1 of 2009

A.R.Sadhasivam

... Petitioner

Vs.

1. The District Elementary Education Officer,
Namakkal District, Namakkal.
2. The Assistant Elementary Education Officer,
Vennandur Union,
Venandur, Rasipuram Taluk,
Namakkal District.

... Respondents

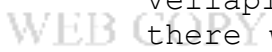
PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in Na.Ka.No.1199/A2/06, dated 22.12.2006 and Na.Ka.No.856/2006, dated 22.12.2006 on the file of the second respondent which are referred in Service Register of the petitioner dated 05.01.2007 and direct the respondents to expunge the adverse entry made in the service register of the petitioner.

For Petitioner : Mr.N.S.Sivakumar

For Respondents : Mr.C.Selvaraj
Government Advocate (Civil)

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in Na.Ka.No.1199/A2/06, dated 22.12.2006 and Na.Ka.No.856/2006, dated 22.12.2006 on the file of the second respondent which are referred in Service Register of the petitioner dated 05.01.2007 and direct the respondents to



2. The petitioner was working as Secondary Grade Teacher in Vellapillaiyar Koil, Vennandur Union, Namakkal District. Since there were some complaints consisting of serious allegation of misbehaving with the girl students, he was transferred on administrative grounds to Oodupathan Pudhur in the same Union. The District Elementary Education Officer, in Proceedings Na.Ka.No.3095/A2/06, dated 21.12.2006, has ordered transfer with a remark that the transfer was on the complaint and on administrative grounds. The petitioner obeyed the transfer order and joined duty on the very next day. He has not challenged the order of transfer, but, filed the present Writ Petition for making entries in the Service Register. He would rely on the Government Letter in Lr.No.19647/N/96-5, Personal and Administrative Reforms (N) Department, dated 20.09.1996, wherein, it is observed that whenever complaint is received against the Government Servant, it should be verified with the petitioner and the enquiry may be taken up through proper channel following the prescribed procedures. According to the petitioner, entries made in the Service Register without following the Government Letter, is illegal and arbitrary and therefore, he seeks to set aside the same.

3. At the outset, the transfer was made on the ground of complaint and on administrative reasons. A specific remark was made in the transfer order as well as in the consequential posting order. The petitioner has not challenged the transfer order or remark made in the transfer order. He challenges only the entries made in the Service Register. Entry made in the Service Register is only consequential and entry is not adverse remark. It does not reflect the conduct of the petitioner or any adverse remark made in Annual Confidential Report. It is only an administrative action after recording what had happened in his service. As such entries made in the service register, which makes a remark that he was transferred on the basis of the complaint and the administrative reasons, is a routine procedure. Without setting aside the transfer order, the consequential clerical entry can not be challenged. It is purely consequential administrative action.

4. It is also to be noted that in an Educational Institution, discipline is utmost important. It is not only discipline of students, but also, ethical conduct of the teacher. It is stated that serious allegation of misbehaving with girl students was made against the petitioner. The officials, in order to tackle the situation, appear to have transferred the petitioner in the year 2006 and the petitioner immediately obeyed the order which gives rise to the



preponderance of probability that some incident had taken place and he was transferred in the middle of the academic year. However, he has challenged the entries after a period of two years. The conduct of the petitioner is not aboveboard.

WEB COPY

5. However, I do not want to make any observation or finding on this unsubstantiated allegation. Since it is found that the entry made in the Service Register is only consequential to the transfer order and the transfer order being not challenged, the petitioner is not entitled to expunge the remarks made therein.

The Writ Petition merits no consideration and accordingly, the same is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

asi

To

1. The District Elementary Education Officer,
Namakkal District, Namakkal.
2. The Assistant Elementary Education Officer,
Vennandur Union,
Venandur, Rasipuram Taluk,
Namakkal District.

+1cc to the Government Pleader, S.R.No.31170

W.P.No.17417 of 2008
and M.P.No.1 of 2009

RK(CO)
RLP(05/08/2021)