



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1500 of 2020

and

W.M.P(MD)Nos.1209 and 1210 of 2020

WEB COPY

Jayakumar

... Petitioner

Vs

- 1.The Director,
Adidraavidar Welfare Department,
Chennai - 600 005.
- 2.The Commissioner,
Adidraavidar Welfare Department,
Chepauk, Chennai - 600 005.
- 3.The District Adidraavidar and Tribal
Welfare Officer,
Virudhunagar District,
Virudhunagar.
- 4.The Headmistress,
Government Adidraavidar Welfare
Higher Secondary School,
Sundarajapuram,
Rajapalayam Taluk,
Virudhunagar District.

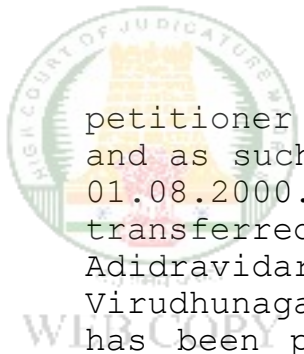
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records of the third respondent in his proceedings in Na.Ka.T2/884/2019, dated 09.01.2020 and quash the same as illegal, arbitrary, violation of law and without jurisdiction.

For Petitioner : Mr.M.Jothibasu
For Respondent : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition is filed as against the impugned transfer order dated 09.01.2020 passed by the third respondent, in and by which, the petitioner has been transferred from Government Adidraavidar Welfare Higher Secondary School, Sundarajapuram, Virudhunagar District to Government Adidraavidar Welfare Higher Secondary School, Idaiyankulam, Virudhunagar District.



petitioner was appointed as Physical Education Teacher on 30.12.1998 and as such he has been working in the fourth respondent school from 01.08.2000. While so, on 09.01.2020, the petitioner has been transferred by the impugned order dated 09.01.2020 to Government Adidraavidar Welfare Higher Secondary School, Idaiyankulam, Virudhunagar District by the third respondent. This transfer order has been passed based on the complaint of the fourth respondent, Headmistress of the School.

3.The learned Counsel for the petitioner further submits that without even providing an opportunity of hearing to the petitioner and without conducting any proper enquiry on the complaint of the Headmistress, the transfer order has been passed as a punishment. Therefore, the petitioner is before this Court.

4.The learned Special Government Pleader appearing for the respondents submitted that the petitioner is working in the particular school for more than twenty years and the petitioner has been transferred based on the recommendation of the Headmistress of the School. Further, the petitioner has been transferred only for the smooth functioning of the school and in order to avoid any disruption in the school functioning. Further the transferred place is only ten kilo metres away from the fourth respondent school and the petitioner has also joined in the transferred place.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.It is admitted by the petitioner that the petitioner was posted in the fourth respondent School on 01.08.2000 and had been working there for more than twenty years. While so, the Headmistress of the school has made a complaint against the petitioner and based on the complaint, the third respondent has passed the order transferring the petitioner, taking into account of the wellbeing of the students and for the smooth administration of the school. Further the transferred place is also not far away and the distance is only ten kilo metres. That apart, the petitioner has also joined in the new place.

7.In view of the above, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



dsk

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Director,
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Chennai - 600 005.
- 2.The Commissioner,
Adidraavidar Welfare Department,
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- 3.The District Adidraavidar and Tribal
Welfare Officer,
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- 4.The Headmistress,
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Higher Secondary School,
Sundarajapuram,
Rajapalayam Taluk,
Virudhunagar District.

+1 CC to M/s.G.M. LAW OFFICE, Mr.Jothi Basu, Advocate (SR-35395[F]
dated 22/11/2021)

+1 CC to M/s.SPL GP (SR-35350[F] dated 22/11/2021)

**W.P(MD)No.1500 of 2020
19.11.2021**

VR(CO)
SB(06.12.2021) 3P 7C