



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P(MD) No.6477 of 2021

and

W.M.P (MD) No.5054 of 2021

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T.Thilagam

... Petitioner

Vs.

1.District Educational Officer,
Madurai.

2.Bishop-Manager of Schools,
Diocesan Office,
162, East Veli Street,
Madurai-625001.

3.The Correspondent,
Capron Hall Girls Hr. Sec. School,
Madurai - 625016.

... Respondents

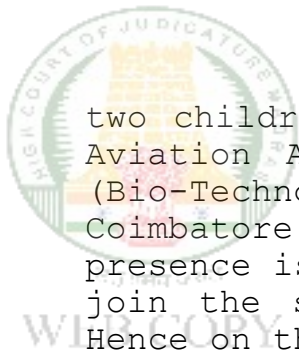
PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned transfer order dated 09.03.2021 on the file of 2nd respondent and consequential order passed by the 3rd respondent dated 10.03.2021 and quash the same as illegal.

For Petitioner	:	Mr.S.A.Ajmalkhan
For R1	:	Mr.A.K.Manikkam, Standing Counsel for State.
For R2 & R3	:	Mr.Antony S.Arul Raj.

O R D E R

This Writ Petition has been filed challenging the impugned transfer order dated 09.03.2021 passed by the second respondent and the consequential order passed by the third respondent dated 10.03.2021.

2. According to the petitioner, she was appointed as B.T.Assistant (Science) in the third respondent school viz., Capron Hall Girls Hr. Sec. School, Madurai. The petitioner's appointment was approved by the first respondent in the year 2011. The petitioner has been completed ten years of service in the third respondent school. But, suddenly, on 09.03.2021, the second respondent has passed the impugned transfer order, transferring the petitioner from Capron Hall Girls Hr. Sec. School, Madurai to S.C.M.S.Girls Higher Secondary School, Satchiyapuram, Virudhunagar District. According to the petitioner, her husband is suffering from Cordiac disease and renal problem. The petitioner is having



two children. Her son is studying B.B.A., (Aviation) at Hindustan Aviation Academy, Bangalore and her daughter is studying B.Tech (Bio-Technology) at Karpagam Academy of Higher Education, Coimbatore. Due to the illness suffered by her husband, her presence is required to take care of him and hence, she is unable to join the school in S.C.M.S Girls Hr. Sec. School, Satchiyapuram. Hence on these grounds, the petitioner has filed this Writ Petition.

3. The counter affidavit has been filed by the respondents 2 and 3. According to the respondents 2 and 3, the petitioner is entitled for the salary, after approval of the transfer order by the authority concerned. Therefore, no prejudice would be caused to the petitioner to get salary in the transferred school. According to the respondents, the transfer is incidental to service and there is no stigma on the petitioner. In the interest of administration of the school only, the impugned transfer order was passed. Though the petitioner has stated that her husband is suffering from Cardiac disease, to prove the same, no material has been produced by the petitioner. The learned counsel appearing for respondents 2 and 3 would submit that the proposal for approval of transfer of the petitioner is still pending with the first respondent. He further submitted that the petitioner has not joined duty from the date of passing the impugned order. Hence, he prays for dismissal of this Writ Petition.

4. This Court anxiously considered the rival submissions and also perused the materials available on record.

5. The writ petitioner is working as B.T.Assistant (Science) in the third respondent school from the year 2011 and she has been served as a Teacher in the same school for the past 10 years. Now, for the administrative reasons, the third respondent has passed the impugned order. In the typed set of papers, the petitioner has filed the medical records of her husband and it reveals that the petitioner's husband was discharged from the hospital. The learned counsel appearing for the respondents 2 and 3 has objected the said medical report stating that the aforesaid records relates to the month of September 2020. Now more than one year has lapsed. Therefore, at present, the petitioner cannot rely upon the said medical report for continuing in the same station. On considering the said fact, the ground raised by the petitioner that her husband is suffering from cardiac disease, cannot be sustainable after a period of one year and therefore, the same is liable to be rejected.

6. The other ground that has been raised by the petitioner is that her son and daughter are studying at Bangalore and Coimbatore. Admittedly, they are studying at different places. Therefore, the said ground raised by the petitioner cannot be acceptable and the same is liable to be rejected. If the petitioner is having any grievance, she can make a representation to the respondents 1 and 2



Hr. Sec. School, Madurai, for the reasons cited above, subject to production of any medical records. Therefore there is no valid ground to interfere with the impugned transfer orders passed by the respondents 2 and 3. Therefore, the Writ Petition is liable to be dismissed.

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7. In fine, this writ petitions is dismissed with the above liberty to the petitioner. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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.District Educational Officer,
Madurai.

2.Bishop-Manager of Schools,
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Madurai-625001.

3.The Correspondent,
Capron Hall Girls Hr. Sec. School,
Madurai - 625016.

+1 CC to M/s.SPL.GP (SR-32242[F] dated 22/10/2021)

**W.P (MD) No.6477 of 2021
and**

**W.M.P (MD) No.5054 of 2021
21.10.2021**

NSN (CO)

GC/JGB(02.11.2021) 3P 5C