



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

CORAM :

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND**

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.A.(MD) No.1494 of 2021

Anlet Sheela Bright Jose

...Appellant/Writ Petitioner

Vs.

1.The Director of School Education,
(Higher Secondary),
Chennai - 600 006.

2.The Joint Director of School Education,
(Higher Secondary),
Chennai - 600 006.

3.The Chief Educational Officer,
Kanniyakumari District,
Nagercoil.

4.The District Educational Officer,
Kanniyakumari District,
Nagercoil.

... Respondents/Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent Act, against the order dated 15.02.2021, passed in W.P.(MD) No.21377 of 2018.

Prayer in WP(MD) . 21377/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 2nd respondent made in Naa.Kaa.No.49575/W1/E2/2018 dated 20.09.2018 and quash the same as illegal.

For Appellant : M/s.P.Kalaiyarasi Bharathi

For Respondents : Mr.A.K.Manickam,
Standing Counsel for Government



JUDGMENT

[Judgment of the Court was delivered by ***The Hon'ble Chief Justice***]

The appeal is directed against an order of February 15, 2021, passed on a writ petition instituted in the year 2018.

2.The principal grievance of the appellant is that despite the appellant suffering from some disability, a transfer order was made for extraneous considerations, possibly since the petitioner had levelled allegations of sexual harassment against an influential teacher.

3.In the order impugned, the writ court noticed that the petition had come up for admission on October 12, 2018 and the prayer for an interim order was declined. The appellant does not appear to have preferred any appeal from the order of October 12, 2018. The impugned order further records that the appellant-writ petitioner was relieved from the post on October 1, 2018 and she was yet to join the transferred post.

4.Since the decision pertaining to transfer had already been implemented and a period of well over two years had elapsed, the writ court, quite appropriately, declined to interfere in the matter.

5.Ordinarily, the writ court does not interfere in matters pertaining to transfer, since transfer orders are made for the purpose of administrative exigencies. It is only in the rare case that the writ court interferes when a case of serious prejudice or vindictive action or the like is made out. In the present case, because the events subsequent to the interim order being declined had overtaken the matter, the writ court could not have put the clock back and annulled the transfer, particularly since the conduct of the appellant was such that she had accepted the transfer order by not preferring any appeal against the order refusing any interim relief passed on October 12, 2018.

6.There is no merit in the appeal. However, since it appears that the appellant has not joined the transferred post, it will be open to the appellant to make a request to the appropriate authorities to allow the appellant to join the transferred post, whereupon the appropriate authority should take a lenient view of the matter and convey their decision to the appellant within four weeks of the receipt of her request. Nothing in this order will entitle the appellant to seek salary for the period that the appellant did not work or chose to stay away from her post. However, if the appellant is permitted to join the transferred post, the period that the appellant did not attend office should not be considered as a break in service, but without any monetary benefit.



7.W.A.(MD)No.1494 of 2021, is disposed of without any order as to costs.

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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

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+1 CC to M/s.GP (SR-24959[F] dated 02/08/2021)

W.A. (MD) No.1494 of 2021

30.07.2021

RK (06.08.2021) 3P 6C