



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.16839 of 2020

B.Gokilapandian

... Petitioner

-vs-

The District Educational Officer
Theni District Educational Office
Allinagaram, Theni
Theni District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to consider the petitions for transfer and posting back to the old place of B.T.Assistant (Mathematics) Panchayat Union Middle School, Nariyuthu in Mayiladupurai, Block, Theni District by taking note of the final order dated 11.10.2019 exonerating the petitioner from the charges falsely levelled against him, within the time stipulated by this Court.

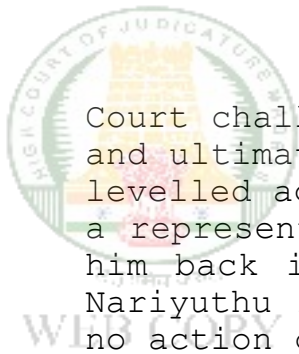
For Petitioner : Mr.S.Louis

For Respondent : Mr.S.Shanmugavel
Government Advocate

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondent to consider the petitioner's representation for transfer and posting him back in the old place, namely, Panchayat Union Middle School, Nariyuthu in Mayiladumpurai Block, Theni District, as B.T.Assistant (Mathematics), by taking note of the final order passed in the disciplinary proceedings, dated 11.10.2019, exonerating him from the charges levelled against him, within the time stipulated by this Court.

2. According to the petitioner, on 22.01.2001, he was appointed as Secondary Grade Teacher and on 18.09.2012, he was promoted as BT Assistant (Maths) and posted in the Panchayat Union Middle School, Nariyuthu, Theni District. While so, on the basis of the complaint given by two Teachers and one Noon Meal Organizer, disciplinary proceedings were initiated against him and on 16.09.2016, he was suspended from service. Subsequently, based on the explanation offered by the petitioner, on 11.10.2019, the order of suspension was revoked and he was transferred to the Panchayat Union Middle School, Kamarajapuram. Thereafter, he approached this



Court challenging the disciplinary proceedings initiated against him and ultimately, in the year 2019, he was exonerated from the charges levelled against him. Therefore, on 21.09.2020, the petitioner made a representation to the respondent seeking for transfer and posting him back in the old place, namely, Panchayat Union Middle School, Nariyuthu in Mayiladumparai Block, Theni District. Since there was no action on the petitioner's representation, he has filed this writ petition seeking the direction as stated above.

3. The respondent has filed a counter affidavit stating that the petitioner was transferred on administrative grounds and therefore, prayed for dismissal of the writ petition.

4. Taking into consideration the submissions of the learned counsel on either side as well as the facts and circumstances of the instant case, this Court, without going into the merits of the matter, directs the respondent to consider the petitioner's representation dated 21.09.2020 and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order and communicate the same to the petitioner forthwith.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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:

The District Educational Officer,
Theni District Educational Office,
Allinagaram, Theni,
Theni District.

+1 CC to M/s.SPL.GP (SR-30730[F] dated 30/09/2021)

W.P. (MD) No.16839 of 2020

29.09.2021