



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 21.09.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P(MD)No.19347 of 2019**

**and**

**W.M.P(MD)No.15780 of 2019**

S.Antony Lathislal Rajan

... Petitioner

**Vs.**

- 1.The Director,  
Department of Elementary Education,  
College Road,  
Chennai-600 006.
- 2.The Chief Educational Officer,  
O/o. the Chief Educational Officer,  
Thoothukudi District - 628 001.
- 3.The District Educational Officer,  
O/o. the District Educational Officer,  
Thiruchendur,  
Thoothukudi District - 628 215.
- 4.The Block Educational Officer,  
O/o. the Block Educational Officer,  
Sathankulam Block,  
Thoothukudi District - 628 704.
- 5.The Head Master,  
Panchayat Union Middle School,  
Usarathu Kudiyerupu,  
Sathankulam Block,  
Thoothukudi District - 628 704.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Order in Na.Ka.No.3662/E2/2019 dated 30.08.2019 on the file of the respondent no.2 and quash the same as illegal to the extent of transferring the petitioner by way of deployment from the fifth respondent School, Sathankulam Block to Panchayat Union Middle School, Alwarthirunagari Block, Thoothukudi District.



For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.S.Shanmugavel,  
Standing Counsel for State.

**ORDER**

**WEB COPY**

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.3662/E2/2019 dated 30.08.2019 on the file of the second respondent and quash the same as illegal to the extent of transferring the petitioner by way of deployment from the fifth respondent School, Sattankulam Block to Panchayat Union Middle School, Alwarthirunagari Block, Thoothukudi District.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he was working as Secondary Grade Teacher in the 5<sup>th</sup> respondent school from 26.05.2009 and he was having 4 more years to retire. His wife was also working as B.T.Assistant in St.Mary's Higher Secondary School, Pothakalanvilai, Thoothukudi District and she is also physically challenged person, who could not travel one place to another without assistance of an escort. While so, 2<sup>nd</sup> respondent passed impugned order of transfer dated 30.08.2019 against the petitioner from 5<sup>th</sup> respondent school to Panchayat Union Middle School, Alwarthirunagari Block, Thoothukudi District which is a distance of 52 k.ms. The said transfer order was based on students' strength as on 01.08.2018 for the academic year 2018-2019 which is completely in violation of the guidelines issued under RTE Act, 2009. The petitioner suddenly suffered from Neuro problem and underwent treatment and he was advised not to make long travel. In the mean time, one Mrs.Kalavathi, who was working as Secondary Grade Teacher in the 5<sup>th</sup> respondent school, retired from service and the 2<sup>nd</sup> respondent can retain the petitioner in the 5<sup>th</sup> respondent school. In such circumstances, the petitioner has come forward with the present Writ Petition, challenging the impugned order of transfer.

5.The learned counsel for the petitioner would submit that by virtue of the interim order granted by this Court, the petitioner is continuing in the 5<sup>th</sup> respondent school. He would also submit that during the pendency of the writ petition, one Mrs.Kalavathy who was working as Secondary Grade Teacher had retired from service and therefore, there is no surplus teacher in the 5<sup>th</sup> respondent school and there is no impediment to permit the petitioner to continue in the present station.



6. Considering the submissions made by the learned counsel for the petitioner, this Court without going into the merits of the Writ Petition, directs the petitioner to approach the 2<sup>nd</sup> respondent by way of a representation within a period of two weeks from the date of receipt of a copy of this order and on such representation being made by the petitioner, the 2<sup>nd</sup> respondent is directed to consider the same and pass appropriate orders in accordance with law, within a period of 8 weeks thereafter and communicate the decision taken to the petitioner. Till such time the 2<sup>nd</sup> respondent passes the order, the respondents are directed not to disturb the petitioner from the present station.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar (W)

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/ /2021

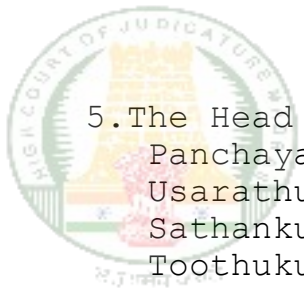
Sub Assistant Registrar(CS)

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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

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5.The Head Master,  
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Usarathu Kudiyerupu,  
Sathankulam Block,  
Toothukudi District - 628 704.

WEB COPY

+1 CC to M/s.SPL.GP ( SR-29870[F] dated 22/09/2021 )

**W.P (MD) No.19347 of 2019**  
**21.09.2021**

RD(6.10.2021) 4P 7C