



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.7504 of 2021

and

W.M.P.Nos. 8019 and 8028 of 2021

S. Paul Victor

... Petitioner

Vs.

1. The Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Education Officer,
Nilgiris District,
Udhagamandalam,
Nilgiris - 643 001.
3. The District Education Officer,
Gudalur,
Nilgiris District - 643 211.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus calling for the records of the third respondent dated 11.02.2020 having Ref Na.Ka.No.2314/A1/2019 and quash the same as illegal and without authority of law and consequently direct the third respondent to implement the order of the first respondent having Ref. Na.Ka.No.04920/T-1/2019 dated 12.11.2019 by giving effect to the 3rd respondent own order dated 18.02.2020 by relieving the petitioner as Headmaster to the Panchayat Union Middle School, Kakkundi, Gudalur Taluk and give effect to the transfer of the petitioner as Headmaster of the Panchayat Union Middle School, Devala Hatty, Gudalur Taluk, the Nilgiris.

For Petitioner : Mrs. Nalini Chidambaran,
Senior Counsel
for Ms. C. Uma

For Respondents : Mr. V. Nanmaran,
Additional Government Pleader,
for R1 to R3



ORDER

The writ petition is filed for the issuance of a writ of certiorarified mandamus calling for the records of the third respondent dated 11.02.2020 having Ref Na.Ka.No.2314/A1/2019 and quash the same as illegal and without authority of law and consequently direct the third respondent to implement the order of the first respondent having Ref. Na.Ka.No.04920/T-1/2019 dated 12.11.2019 by giving effect to the 3rd respondent own order dated 18.02.2020 by relieving the petitioner as Headmaster of the Panchayat Union Middle School, Kakkundi, Gudalur Taluk and give effect to the transfer of the petitioner as Headmaster of the Panchayat Union Middle School, Devala Hatty, Gudalur Taluk, the Nilgiris.

2. According to the writ petitioner, he is working as Headmaster in Panchayat Union Middle School, Kakkundi, Gudalur Union, Nilgiris District. Since the place is far away from his native place, he participated in the general transfer counselling held under the Chairmanship of second and third respondents. In the general transfer counselling, by order dated 09.07.2019, at the request of petitioner, he was transferred to Panchayat Union Middle School, Devala Hatty, Gudalur. Despite the said order, he was not transferred.

3. According to the petitioner, the third respondent by proceedings dated 11.02.2020 cancelled the transfer of the petitioner to accommodate one P. Senthilkumari, who is now objecting to the petitioner's transfer as HeadMaster Panchayat Union Middle School, Devala Hatty, Gudalur Taluk. The said P. Senthilkumari did not express any objection at the time of the petitioner's initial transfer. Subsequently, she has raised the objection.

4. According to petitioner, the Devala Hatti School, where he was transferred is a bilingual school of English and Tamil, and without considering the said fact, the third respondent has entertained the objection of the said P. Senthilkumari, and passed an order dated 11.02.2020 cancelling the transfer order stating that if the petitioner is posted at Devala Hatti School, it will deprive the opportunity of Tamil teachers to get appointed as Headmasters, and the said fact is totally incorrect. Therefore, the petitioner made a representation dated 15.02.2021 to the first respondent/Director of Elementary Education seeking direction to the District Education Officer, Cuddalore to relieve him from Panchayat Union Middle School, Kakkundi, Gudalur Talukt and transfer him to Panchayat Union Middle School, Devala Hatty, Gudalur. The said representation is still pending with the first respondent and so far no orders have been passed.



5. According to the learned Additional Government Pleader appearing for the respondents, first respondent is the competent authority to pass orders.

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6. Considering the above facts of the case, this court is inclined to direct the first respondent to consider the petitioner's representation dated 15.02.2021 and pass appropriate orders as expeditiously as possible within a period of six (6) weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Education Officer,
Nilgiris District,
Udhagamandalam,
Nilgiris - 643 001.
3. The District Education Officer,
Gudalur,
Nilgiris District - 643 211.

+1cc to M/s.C.Uma, Advocate, S.R.No.14817

+1cc to the Government Pleader, S.R.No.15521

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and W.M.P.Nos. 8019 and 8028 of 2021

GMR(CO)
SU(11/03/2022)