

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 28170 of 2016

and

W.M.P. Nos. 24305 of 2016 and 1334 of 2018

M.Queen Isabella

...Petitioner

-vs-

1. The Director of School Education,
DPI Campus,
Chennai.
2. The Chief Educational Officer,
Cuddalore,
Cuddalore District.
3. The Head Master,
Government Model Higher Secondary School,
Kadampuliyur (Panruti)
Cuddalore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records in the order bearing Na.Ka.No. 11131/A2/2015 dated 07.08.2016 passed by the Second Respondent and quashing the same.

For Petitioner : Mr. M.Radhakrishnan

For Respondents: Mr. P.Balathandayutham,
Special Government Pleader

O R D E R

Heard Mr. M.Radhakrishnan, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, while working as B.T Assistant (Mathematics), was transferred from Cuddalore to Chidambaram by proceedings in Na. Ka. No. 11131/A2/2015 dated 07.08.2016 passed by the Second Respondent, which is challenged in this Writ Petition.

3. This Court at the time of admission on 11.08.2016 had granted an order of interim stay which continues to be in force as on date.

4. The legal position is well established as held by the Hon'ble Supreme Court of India in Union of India -vs- S.L.Abbas [(1993) 4 SCC 357] that an order of transfer is an incident of service and unless it is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it.

5. Having due regard to the fact that a period of more than five years have lapsed from the time of passing of the impugned order, it is improbable that the same circumstances would still exist. In that backdrop, there does not appear to be any useful purpose served by venturing into the task of testing the validity of the impugned order viz-a-viz the aforesaid legal position at this distance of time. Viewed from that perspective, it is made clear that the concerned authorities are not precluded from taking any fresh decision as the exigencies may require regarding the place of posting of the Petitioner in accordance with law and till then, the status quo as prevailing today shall be in force.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

skr

To

1. The Director of School Education,
DPI Campus, Chennai.

2. The Chief Educational Officer,
Cuddalore, Cuddalore District.

3. The Head Master,
Government Model Higher Secondary School,
Kadampuliyur (Panruti)
Cuddalore District.

+1 cc to the Government Pleader, Sr.No.45242 (21/07/2022)

W.P. No. 28170 of 2016

GPL[co]
NSK/14/07/2022