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W.P.No.29259 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29259 of 2022

P.M. Senthilkumar,
Head Master,
Union Primary School, Kuppankottai,
Kuppankottai Village, K.Morur (PO),
Kadayampatti Block, Salem District – 636 345.

... Petitioner

Vs.

1.The District Education Officer,
O/o. District Education Office, (Salem Rural),
Salem District.

2.Block Educational Officer,
O/o. Block Education Office,
Kadayampatti, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records and quash the order of transfer Na.Ka.No.2451/A2/2019 dated 09.07.2019 passed by the 2nd respondent, further direct to the respondents to transfer the petitioner from Union Primary School, Kuppankottai to union Primary School, Kothapalayanoor, Salem District in pursuant to petitioner's representation dated 05.09.2020.



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For Petitioner : Mr.P. Muthamizhselvakumar

For Respondents : Mr.C. Sathish,
Government Advocate

ORDER

This Writ petition has been filed challenging the impugned transfer order dated 09.07.2019, transferring the petitioner from Kothapaliyanoor to Kuppankottai.

2. Heard the learned counsel for the petitioner. Mr.C. Sathish, learned Government Advocate, accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner was earlier issued with a charge memo by the respondents and disciplinary proceedings were initiated against him. The petitioner claims that in the disciplinary proceedings the charges framed against him were declared to be 'not proved'. Prior to the order of the Disciplinary Authority imposing punishment, he was transferred under the impugned transfer order dated 09.07.2019. The petitioner further claims that Kuppankottai is 130



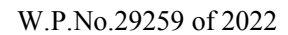
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Kms away from Kothapaliyanoor and therefore, he has expressed difficulty in joining duty in the place of transfer viz., Kuppankottai.

4. Since the transfer order which is challenged in this Writ Petition pertains to the year 2019, this Court, at this stage, cannot interfere with the said transfer order.

5. However, no prejudice will be caused to the respondents if the petitioner is allowed to give representation to the respondents, requesting for withdrawal of the impugned transfer order dated 09.07.2019, citing the difficulties which has been expressed in the affidavit filed in support of the Writ Petition, referred to supra, and the same is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the petitioner to give a representation to the second respondent, seeking for withdrawal of the impugned transfer order dated 09.07.2019 passed by the second respondent and to retain him at Kothapaliyanoor, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the said representation, the



ABDUL QUDDHOSE,J.

accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

07.11.2022

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1. The District Education Officer,
O/o. District Education Office, (Salem Rural),
Salem District.

2. Block Educational Officer,
O/o. Block Education Office,
Kadayampatti, Salem District.

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