



WEB COPY



W.P.No.33671 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.No.33671 of 2022
and W.M.P.No.33125 of 2022

Dr.S.Sreedaran

.. Petitioner

VS

1.The Principal Secretary to Government,
Department of Higher Education,
Fort St.George, Chennai – 600 009.

2.The Director of Collegiate Education,
IASE Campus, Saidapet,
Chennai – 600 015.

3.The Principal,
Government Arts College, Ooty,
Udhagamandalam,
Nilagiri District.

4.M.Easwaramurthy

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus calling for the entire
records connected with the impugned order passed by the 2nd
respondent in Na.Ka.No.1/C/2022 dated 09.07.2022 transferred the
petitioner from Govt. Arts College, Ooty to M.V.M. Govt. Women's Arts



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College, Dindigul and quash the same and consequently direct the 2nd respondent to retain the petitioner in the Government Arts College, Ooty.

For Petitioner : Mr.C.Rajaguru
For Respondents : Mr.D.Ravichander
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the transfer order dated 09.07.2022 issued to the petitioner under which he has been transferred from the Government Arts College, Ooty to MVM Government Women's Arts College, Dindigul.

2. According to the petitioner, the reason for transfer given in the impugned transfer order dated 09.07.2022 is not true. According to him, as a Treasurer of the Tamil Nadu Government College Teachers Association, he had given a complaint against the fourth respondent, who is presently holding the office of the second respondent. According to the petitioner, only as vindictive measure, the impugned transfer



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order has been issued to him but not due to administrative reasons as contended in the impugned transfer order. The petitioner has already joined duty at Dindigul pursuant to the impugned transfer order.

3. Learned counsel for the petitioner drew the attention of this Court to the Annexure to G.O.Ms.No.245 Higher Education (F2) Department dated 08.11.2022 prescribing guidelines for the transfer of college teachers for the academic year 2022-2023, in particular, referred to clause 10 and would submit that the said guidelines have not been followed by the respondents. Learned counsel for the petitioner would also submit that the petitioner is willing to give a representation to the respondents requesting them to re-transfer him to Government Arts College, Ooty provided the respondents consider the same on merits and in accordance with law in the light of the guidelines prescribed in the Annexure to G.O.Ms.No.245 Higher Education (F2) Department dated 08.11.2022.

4. No prejudice would be caused to any of the parties if the petitioner is allowed to give a representation to the respondents requesting to re-transfer him to Ooty and a direction is issued to the respondents to consider the said representation on merits and in



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accordance with law in the light of Annexure to G.O.Ms.No.245 Higher Education (F2) Department dated 08.11.2022 within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the petitioner to submit a representation to the second respondent, who is the competent authority, requesting for re-transferring him to the Government Arts College, Ooty within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the second respondent is directed to pass final orders on merits and in accordance with law in the light of the guidelines prescribed in the Annexure to G.O.Ms.No.245 Higher Education (F2) Department dated 08.11.2022 within a period of six weeks thereafter.

6. With the aforesaid direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
mmi



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ABDUL QUDDHOSE,J.

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