



WEB COPY

W.A(MD)No.345 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No.345 of 2022

V.S.Rajan

.. Appellant

Vs

- 1.The Joint Director (Personnel),
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 2.The District Collector,
Kanyakumari District @ Nagercoil,
Nagercoil.
- 3.The Chief Educational Officer,
Kanyakumari District @ Nagercoil,
Nagercoil.
- 4.The District Educational Officer,
Nagercoil Educational District,
Nagercoil, Kanyakumari District.
- 5.The Chief Educational Officer,
Tenkasi District, Tenkasi,
Tenkasi District.
- 6.The District Educational Officer,
Thenkasi Educational District,
Thenkasi, Thenkasi District.
- 7.K.R.Bindu

.. Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.12.2021 made in W.P.(MD) No.17074 of 2020.

Prayer in WP(MD). 17074/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-10. to issue a direction or order or writ in the nature of writ of certiorari and call for the records relating to the Transfer Order Na.Ka.No.37805/C1/E3/2020 dated 10.11.2020 passed by the 1st respondent and consequential Relieving Order Na.Ka.No.123/20 dated 16.11.200 passed by the 7th respondent and quash the same.

<https://hcservices.ecourts.gov.in/hcservices/>



For Appellant : Mr.A.Thirumurthy
For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 to R6

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JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

Challenge in this appeal is made to the order dated 23.12.2021 recorded on W.P.(MD) No. 17074 of 2020. The petitioner is the Headmaster. His transfer from Kanyakumari District to Tenkasi District is the subject matter of the petition. The said petition is finally dismissed.

2. Learned advocate for the appellant has submitted that, the impugned transfer order was punitive. It is further submitted that the findings of learned Single Judge are also, principally based on the observations in that regard and therefore this appeal be entertained. Learned advocate for the appellant has also tendered additional typed-set of papers, which contained the complaint including anonymous complaint against the appellant and it is submitted that only because of these allegations, the petitioner was transferred and therefore the transfer order was punitive and therefore the protection initially granted at the time of admission of the petition, ought to have been confirmed by finally allowing the writ petition. It is submitted that this appeal be entertained.

3. On the other hand, learned Special Government Pleader has supported the order of learned Single Judge. It is submitted that this appeal be dismissed.

4. Having heard learned advocates for the respective parties and having considered the material on record this Court finds that the petitioner was transferred vide order dated 10.11.2020 by the first respondent. Reading of the said transfer order makes it clear that, it could not be termed to be punitive in nature. Only some circumstances are referred therein, with due dignity, warranting the said transfer. We find that, refusal to exercise discretion to set aside such transfer order, according to us, can not be said to be an error which may call for any interference in this intra-court appeal. This appeal therefore needs to be dismissed.

5.1 We note that, learned advocate for the appellant has addressed the Court at length about the unsustainability of the allegations against him and the observations made by learned Single Judge in that regard. We find that, the dismissal of petition on the ground that the said transfer order was not required to be



interfered with considering the position of the petitioner (Headmaster) for the inquiry which the authorities wanted to conduct, is the only relevant factor for this appeal since that was the only relevant factor for deciding the writ petition. Any observations beyond this would only prejudice the case of the appellant, which we do not intend to do.

5.2 So far the other observations are concerned, it may appear that it could have been avoided, but when the jurisdiction of Article 226 of the Constitution of India was being exercised by learned Single Judge, we are not inclined to interfere in those observations as well.

6. For the above reasons, this writ appeal is dismissed. No costs. W.M.P(MD) Nos. 3423 & 3424 of 2022 would not survive.

Sd/-

Assistant Registrar (Writs)

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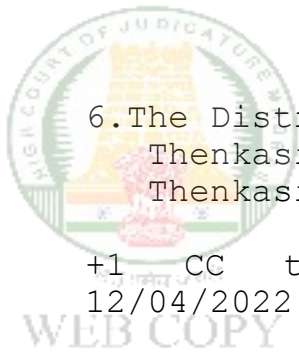
/ /2022

Sub Assistant Registrar(CS)

ssm/8

To

- 1.The Joint Director (Personnel),
Directorate of School Education,
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- 2.The District Collector,
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- 5.The Chief Educational Officer,
Tenkasi District, Tenkasi,
Tenkasi Dsitrict.



6.The District Educational Officer,
Thenkasi Educational District,
Thenkasi, Thenkasi District.

+1 CC to M/s.A. THIRUMURTHY, Advocate (SR-18288[F] dated
12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18594[F] dated 13/04/2022)

W.A (MD) No.345 of 2022
12.04.2022

RK(28/04/2022) 4P 9C