



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.05.2022

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**
and
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A. (MD)No.487 of 2022

and

C.M.P. (MD)Nos.4505 and 4507 of 2022

P.Sankar Kumar

...Appellant/
Writ Petitioner

/Vs./

- 1.The Chief Educational Officer,
Thenkasi.
- 2.The District Educational Officer,
Sankarankovil Educational District,
Sankarankovil,
Thenkasi District.
- 3.The Block Educational Officer,
Alangulam Block,
Thenkasi District.
- 4.Anthony Paulraj
The Head Master,
Panchayat Union Primary School,
Alangulam Block,
Maruthamputhur,
Thenkasi Distirct.

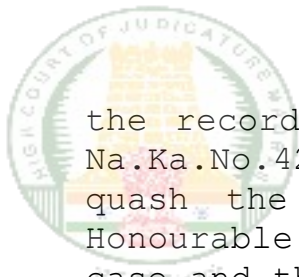
...Respondents

PRAYER: Writ Petition filed under Clauses 15 of the Letter Patent praying this Court to allow the writ appeal and set aside the order passed in W.P(MD).No.9263 of 2022 on the file of this Court dated 05.05.2022.

Prayer in WP(MD). 9263 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for

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



the records pertaining to the impugned order of 2nd Respondent in Na.Ka.No.4282/A1/2021 dated 06.04.2022 (received on 25.04.2022) and quash the same and pass such or other further orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

WEB COPY

For Appellant : Mrs.Porkodi Karnan
for M/s.Polax Legal Solutions

For R1 to R3 : Mr.S.Shaji Bino
Special Government Pleader

JUDGMENT

[Judgment of the Court was made by **R.SURESH KUMAR, J.**]

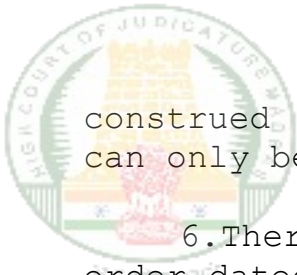
This writ appeal has been directed against the order of the learned Single Judge, dated 05.05.2022, made in WP(MD) No.9263 of 2022.

2.Before the Writ Court, the order passed by the second respondent dated 06.04.2022 was under challenge, whereby, the authority had deputed/transferred the petitioner from Secondary Grade Teacher at Panchayat Union Primary School, Maruthamputhur to Panchayat Union Primary School at Balapathirampuram.

3.The order impugned before the Writ Court was challenged on the prime ground that, in the said order, there has been two references, one is dated 15.03.2022 and another dated 30.03.2022, where, the District Educational Officer, Sankarankovil, proceedings dated 15.03.2022 and the explanation given by the petitioner, dated 30.03.2022 have been referred.

4.By citing these references, Mrs.Porkodi Karnan, learned counsel for the appellant submitted that these two references related to some other disciplinary proceedings initiated or to be initiated against the appellant. Therefore, arising out of these disciplinary proceedings, if this transfer/ deputation order is made, it is a punitive transfer/deputation order. Therefore, on that ground, the order impugned before Writ Court was assailed.

5.We have gone through the order passed by the learned Single Judge, which is impugned herein. Insofar as the impugned order before the Writ Court i.e., the transfer/deputation order, dated 06.04.2022 is concerned, merely because in the reference column, the proceedings of District Educational Officer concerned as well as the explanation given by the petitioner are referred, it cannot be



construed as an off shoot of the disciplinary proceedings, but it can only be treated as a transfer/deputation order simpliciter.

6. Therefore, the appellant cannot have any grievance that the order dated 06.04.2022 was arising out of a punitive proceedings and therefore, on that ground, he cannot successfully challenge the said order. In that view of the matter, we do not find any infirmity or perversity attached with the order passed by the learned Single Judge, which is impugned herein. Hence, this Writ Appeal is liable to be rejected.

7. Accordingly, this Writ Appeal is dismissed. However, this order shall not stand in the way of the employer/authority concerned to initiate disciplinary action separately, in the manner known to law, if there are grounds to do so. There shall be no order as to costs. Consequently, connected CMP(MD) Nos.4505 and 4507 of 2022 are closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

28/05/2022

Sub Assistant Registrar(CS)

CP/RMK
To

1. The Chief Educational Officer, Thenkasi.

2. The District Educational Officer,
Sankarankovil Educational District,
Sankarankovil, Thenkasi District.

3. The Block Educational Officer,
Alangulam Block, Thenkasi District.

+1 CC to M/s.SPL.GP (SR-24179[F] dated 27/05/2022)

Order made in
W.A.(MD) No.487 of 2022
and
C.M.P.(MD) Nos.4505 and 4507 of 2022
Dated: 26.05.2022

ck(CO)
TR(28.05.2022) 3P 5C