



W.P(MD)No.12003 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12003 of 2021

and

W.M.P.(MD)Nos.9453 & 14295 of 2021

T.Vimala Rose

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

2.The Director of School Education,
College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Nagercoil-629 001,
Kanyakumari District.

4.M.K.Kabeer,
The Chief Educational Officer,
Nagercoil-629 001,
Kanyakumari District.

5.The District Educational Officer,
Nagercoil-629 001,
Kanyakumari District.



W.P(MD)No.12003 of 2022

6. The Additional Sub Treasury Officer,
Thovalai & Boothapandy,
Kanyakumari District-629 852.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order of transfer issued by the third respondent Chief Educational Officer in Na.Ka.No.5936/A2/2018, dated 08.07.2021 and quash the same.

For Petitioner : Mr.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chambers

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard the Senior Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. By the impugned order, the petitioner has been transferred from Government Girls High School, Boothapandy to Government High School, Thirunanthikkurai.

3. The impugned order is clearly stigmatic. It has been alleged therein that the petitioner is guilty of insubordination and that she has misused her



W.P(MD)No.12003 of 2022

power as Government servant. It is further stated that the misconduct of the writ petitioner was revealed during enquiry. But no such enquiry was held before passing the impugned order. In fact, on the same day, the petitioner was also visited with a charge memo.

4. It is well settled that an order of transfer cannot be passed in lieu of punishment. The link between the charge memo and the transfer order is apparent. The charge memo has been quashed by me in the other writ petition filed by the petitioner. I am more than satisfied that the impugned order is vitiated by malice. It stands quashed. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.10.2022

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 006.



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W.P(MD)No.12003 of 2022

G.R.SWAMINATHAN, J.

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- 3.The Chief Educational Officer,
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W.P(MD)No.12003 of 2021

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