



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.21509 of 2019

and

W.M.P. (MD) Nos.18169 & 18170 of 2019

WEB COPY

S.Jeeva

... Petitioner

vs.

1.The Director of Education
Education Department
D.P.I.Complex
College Road, Chennai-6

2.The Chief Education Officer
Department of Education
Ramanathapuram District
Ramanathapuram

3.The District Education Officer
Department of Education
Mandapam
Ramanathapuram District

4.I.Selvaraj
The Headmaster
Sathankulam Government
Higher Secondary School
Ramanathapuram District

5.Eswaran
President of Parent Teachers Association
Sathankulam Government
Higher Secondary School
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.5226/A5/2019 dated 06.08.2019 and quash the same and consequently direct the 2nd respondent to retain the petitioner as graduate Teacher at Government Higher Secondary School, Sathankulam.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.N.Ga.Nataraj

Government Advocate for R1 to R3

Tapal Returned for R4 & R5



O R D E R

The order of transfer, dated 06.08.2019, issued by the second respondent, transferring the petitioner from the Government Higher Secondary School, Sathankulam to the Government Higher Secondary School Irumeni, on deputation in the interest of the students, is under challenge in this writ petition.

2. The learned counsel for the petitioner mainly contended that the petitioner was transferred thrice within a short span of period and further, the transfer orders are issued at the instance of the fifth respondent, who is the President of Parent-Teacher Association.

3. According to the petitioner, the fifth respondent is frequently raising unnecessary allegations against the petitioner, who is working as a Graduate Teacher and the Authorities are also transferring the petitioner on deputation. The petitioner submitted several complaints against the fifth respondent, but no action was taken by the Authority concerned and hence, the petitioner is constrained to move this writ petition.

4. The petitioner is working as Graduate Teacher from the year 2012 onwards in Ramanathapuram District. The petitioner being a Government School Teacher is liable to be transferred whenever required, if administrative decision is taken by the Authorities competent.

5. A perusal of the earlier transfer order dated 03.09.2018 reveals that the petitioner was transferred from Sathankulam to Vaalantharavai on deputation in the interest of the students. Again, the petitioner was retransferred to Sathankulam vide proceedings dated 11.04.2019. Therefore, the said transfer within a short span of period in the interest of the students cannot be construed as a regular transfer. The teachers are posted on deputation whenever exigencies arise and in the interest of the students, who are studying in various Schools. The impugned order of transfer has been passed in the interest of the students.

6. The petitioner states that she filed several complaints against the fifth respondent, who is the President of Parent-Teacher Association as he raised unnecessary allegations against the petitioner. In such circumstances, the Authority competent is bound to conduct enquiry in respect of the allegations and initiate appropriate action. Whenever a complaint is filed against the teachers or the other persons, the Authority competent is bound to look into the complaints and take all appropriate actions in the manner known to law. No doubt, a Government employee may be transferred in lieu of suspension. A Government employee may be



transferred on administrative grounds. Transfers on deputation are issued in order to meet out certain exigencies. This being the condition of service, the employee cannot challenge the order of transfer in a routine manner.

7. A writ against the order of transfer may be entertained by the High Courts, only if such an order is issued by the incompetent Authority or allegation of *mala fide* is raised. The allegation made by the petitioner as against the fifth respondent is totally unconnected with malice or official *mala fides*. However, this Court is of the considered opinion that the petitioner has raised some allegations against the fourth respondent - Headmaster also. In such circumstances, the first respondent is directed to depute a responsible person to find out the happenings of the Sathankulam Government Higher Secondary School and with reference to the allegations and counter allegations raised between the parties, to initiate all appropriate steps in order to ensure that the students get proper education in the School because, due to these sort of allegations, the interest of the students at no point of time should be affected and the school discipline and the students' interest are all paramount interest of the Government School. Under these circumstances, the first respondent is directed to look into the matter and initiate all appropriate actions against the officials and teachers and the employees concerned for the purpose of administering the Government School in a proper manner.

8. Regarding the impugned order, it was issued in the year 2019 and under these circumstances, an administrative decision is to be taken by the Authority competent in this regard. The Court cannot issue any direction to post a Government employee in a particular post or place and the employees have no right to claim any such place or post as the transfer is incidental to service more so, a condition of service.

9. With these observations and directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk



To:

1.The Director of Education,
Education Department,
D.P.I.Complex,
College Road, Chennai-6.

2.The Chief Education Officer,
Department of Education,
Ramanathapuram District,
Ramanathapuram.

3.The District Education Officer,
Department of Education,
Mandapam,
Ramanathapuram District.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-7671[F] dated 22/02/2022)

+1 CC to M/s.SPL GP (SR-7727[F] dated 22/02/2022)

W.P. (MD) No.21509 of 2019

and

W.M.P. (MD) Nos.18169 & 18170 of 2019

21.02.2022

CK (CO)

GC(11.03.2022) 4P 6C