



W.P(MD)No.24785 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24785 of 2022

and

W.M.P.(MD)No.18865 of 2022

T.Rajsudhas

... Petitioner

Vs.

1.The Commissioner of School Education,
DPI Campus,
Chennai-6.

2.The Joint Director of School Education (Personnel),
DPI Campus,
Chennai-6.

3.The Chief Educational Officer,
Virudhuangar District.

4.The District Educational Officer,
Sivakasi,
Virudhunagar District.

5.Headmaster,
Government High School,
Perapatti,
Virudhunagar District-626 189.

(R6 is deleted vide order dated 01.11.2022 by this Court) ... Respondents



W.P(MD)No.24785 of 2022

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 pertaining to the impugned order in Na.Ka.NO.64369/C2/E1/2022 dated 20.10.2022 on the file of the respondent no.2 and the consequential impugned order in Na.No.33/2022-23 dated 27.10.2022 on the file of the respondent no 2 and quash the same as illegal.

For Petitioner : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy
For R1 to R5 : Mr.N.Sathees Kumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner questions the impugned order dated 27.10.2022 whereby he has been transferred from Government High School, Perapatti to Government Higher Secondary School, Narikudi.

3. The primary contention of the learned counsel appearing for the petitioner is that the impugned order has been passed in lieu of punishment and is squarely hit by the decision rendered in *(2009) 2 SCC 592 (Somesh Tiwari Vs. Union of India)*. The learned counsel would also rely on the decision



W.P(MD)No.24785 of 2022

reported in **2007 WLR 1034 (S.Sevugan Vs. The Chief Educational Officer,**

Virudhunagar District) to contend that if an employee is transferred following lodging of a complaint, then, it partakes the character of punishment. Though technically the petitioner's counsel has advanced sound contentions, I am not inclined to interfere for more than one reason.

4. As rightly pointed out by the learned Additional Government Pleader appearing for the Department, the petitioner has served in the present school for more than ten years. The School atmosphere got seriously vitiated on account of strain in the relationship between the school Headmistress and the petitioner. Complaint was lodged. Enquiry was ordered. The Chief Educational Officer, Virudhunagar conducted detailed enquiry and submitted a report to the Joint Director of School Education (Personnel), Chennai on 12.10.2022 stating that transfer of both of them would serve the interest of the Institution. Accepting the said report, the impugned transfer order came to be passed.

5. The impugned order does not cast any stigma on the petitioner. The original file was made available and after going through the same, it is seen that the Headmistress was also transferred only on administrative grounds and to maintain conducive atmosphere in the school. What applied to the



W.P(MD)No.24785 of 2022

Headmistress should be applied with equal force to the writ petitioner also. It is not as if the Headmistress was found guilty and then transferred. The competent authority is at liberty to pass an appropriate order of transfer in order to maintain peaceful ambience in the school. The reasons which led the competent authority to pass the order of transfer are very much found in the file. But I consciously refrain from making a reference to the same. Transfer is an incident of service. The petitioner has no right to insist that he should continue in one place for ever. I decline to interfere.

6. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The Commissioner of School Education,
DPI Campus,
Chennai-6.
- 2.The Joint Director of School Education (Personnel),
DPI Campus,
Chennai-6.
- 3.The Chief Educational Officer,
Virudhuangar District.



W.P(MD)No.24785 of 2022

4.The District Educational Officer,
Sivakasi,
Virudhunagar District.

5.Headmaster,
Government High School,
Perapatti,
Virudhungar District-626 189.



WEB COPY



W.P(MD)No.24785 of 2022

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.24785 of 2022

04.11.2022