



WEB COPY



W.P.2034 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATE: 31.01.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.2034 of 2023**

**and**

**W.M.P.Nos.2127 and 2129 of 2023**

T. Kamalam

... Petitioner

Vs.

1. The Director of Elementary Education,  
Nungambakkam,  
Chennai - 600 006.

2.The District Elementary Educational Officer,  
The Nilgiris.

3.The Assistant Elementary Educational Officer,  
Gudalur,  
The Nilgiris.

4.The Block Educational Officer,  
Gudalur Block,  
The Nilgiris.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorari, to call for the records relating to the impugned order dated 09.01.2023 passed by the 4<sup>th</sup> respondent in proceedings namely Na.Ka.No.1015/A3/2022 and to quash the same.

For Petitioner : Mr.C.Prabakaran



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For Respondents : Mr.Ru.Dinesh Rajkumar  
Additional Government Pleader

### **ORDER**

This Writ Petition has been filed challenging the proceedings of the 4<sup>th</sup> respondent dated 09.01.2023 wherein the petitioner who was working at Panchayat Union Elementary School, Kottamedu, was transferred / deputed to the Panchayat Union Elementary School at Ambilimalai.

2.The petitioner originally belongs to an aided School at Kelli. The petitioner was shifted from this School to the Panchayat Union Elementary School, Kottamedu, through proceedings dated 24.08.2022 and the petitioner was also appointed in the said School. Within a period of four months, the petitioner was once again shifted from Kottamedu School to the Panchayat Union Elementary School at Ambilimalai. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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3. When the matter came up for hearing on 25.01.2023, this Court had directed the learned Additional Government Pleader appearing on behalf of the respondents to inform this Court as to why the petitioner was shifted from one School to another within a short span of time.

4. The matter was posted for hearing today. The learned Additional Government Pleader produced the written instructions received from the Block Educational Officer - II, Kotagiri.

5. The learned Additional Government Pleader submitted that the petitioner is a Secondary Grade Teacher working at an aided School at Kelli. The petitioner was found to be surplus, since sufficient number of students were not available and hence, she was shifted / deputed to the Panchayat Union Elementary School at Kottamedu through proceedings dated 24.08.2022. When the petitioner was continuing in this School, the vacancy was filled up with a regular teacher and the petitioner was once again deputed to the Panchayat Union Elementary School at Ambilimalai through proceedings dated 09.01.2023. It was further submitted that once a regular teacher is appointed at Ambilimalai, the petitioner will be sent back to her parent School at Kelli. It was contended that the



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petitioner was never transferred and she was only deputed to the schools where her services were required. The learned Additional Government advocate further submitted that the petitioner was sent to the nearest School which is only 12 Kms. and whereas earlier she was posted 40 Kms. away at Kottamedu.

6.In the considered view of this Court, the present case cannot be dealt with as a regular transfer case. The petitioner belongs to an aided School at Kelli and she is being deputed to the Schools wherever teacher is wanted. This decision was taken by the respondent considering the administrative exigencies. Once a regular teacher is appointed at the Panchayat Union Elementary School at Ambilimalai the petitioner will once again be sent back to the mother institution at Kelli. Hence, this matter does not call for interference of this Court. Moreover, the petitioner has not been sent to some far off place and in fact, the petitioner is only travelling a shorter distance of 12 Kms. to Ambilimalai and whereas, she used to travel earlier nearly 40 Kms. to Kottamedu.



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7.Considering the facts and circumstances of the case and in the light of the specific stand taken by the respondents, this Court does not find any ground to interfere with the impugned proceedings passed by the 4th respondent.

8.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

It is stated that the petitioner had applied for leave after the impugned order was passed. In view of the dismissal of the Writ Petition, the petitioner is directed to join the Panchayat Union Elementary School at Ambulimalai by 06.02.2023.

**31.01.2023**

Neutral Citation: Yes/No  
Index: yes/no  
Speaking Order/Non-Speaking Order  
mps



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To

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**N. ANAND VENKATESH, J,**

mps

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**31.01.2023**