



WEB COPY



WP.No.21522 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.21522 of 2023
and W.M.P.Nos.20889 & 20890 of 2023

T.C.Thomson

.. Petitioner

Versus

1.The Secretary
Tamilnadu Government Secretariat
Educational Department
Fort St.George, Chennai – 600 009

2.The Director
Directorate of School Education
No.17, College Road, Subba Road Avenue
Nungambakkam, Chennai – 600 006

3.The Director
Directorate of Matriculation Schools
No.17, College Road, Subba Road Avenue
Nungambakkam, Chennai – 600 006

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the impugned transfer order of the 2nd respondent dated 28.06.2023 in Na.Ka.No.033549/A1/E1/2023 dated 28.06.2023 and quash the same.

For Petitioner : Mr.B.Ullasavelan

For Respondents : Mr.E.Vedabagath Singh
Special Government Pleader



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ORDER

This Writ Petition has been filed challenging the transfer order of the 2nd respondent in Na.Ka.No.033549/A1/E1/2023 dated 28.06.2023 as against the petitioner and quash the same.

2. It is the grievance of the writ petitioner that he is working as District Educational Officer (Private School) Vellore District. Now, he has been transferred vindictively, particularly, based on some agitations made by the private school association and further, the impugned transfer is nothing but punitive in nature and the Show Cause Notice has also been issued without any documents.

3. Heard both sides and perused the materials placed on record. Normally, this Court will not interfere with the transfer order unless there is a malice or motive is established. On perusal of the records placed by the learned Special Government Pleader, I find that there are serious corruption charges levelled as against the petitioner and charges are also issued to the petitioner. Further, there has been some agitations from the private school association.

4. Therefore, considering the gravity of the charges, this Court is the view



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that continuing the person in the same place, in fact, will lead to tampering the proceedings issued against him. Such view of the matter, when a person against whom the charges are levelled are serious, he cannot contend that the transfer is made made with motive and the same is a punitive transfer. Since, the transfer being incidental of service, one cannot squat on the same place and allege that the Order has to be set aside. Hence, I do not find any merits in the case.

5. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

21.07.2023

dhk

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

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N.SATHISH KUMAR, J.



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