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Writ Appeal No.3398 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.10.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**Writ Appeal No.3398 of 2019
and C.M.P.No.21853 of 2019**

D.Bhuvana
W/o.G.Kuppusamy

... Appellant

Vs

1. The Chief Educational Officer,
Vellore District, Vellore.

2. The District Educational Officer,
Vellore District, Vellore.

3. The Headmaster,
Government Girls Higher Secondary School,
Poigai, Vellore District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 04.09.2019 made in W.P.No.26473 of 2019.

For Appellants : Mr.T.P.Prabakaran

For Respondent : Mr.M.Murali,
Government Advocate



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JUDGMENT

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(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

This writ appeal had been directed against the order passed in W.P.No.26473 of 2019 dated 04.09.2019.

2. Heard Mr.T.P.Prabakaran, learned counsel appearing for the appellant and Mr.M.Murali, learned Government Advocate appearing for the respondents.

3. As against the order of transfer dated 28.08.2019, the appellant filed writ petition in W.P.No.26473 of 2019, which was heard and dismissed by the learned Judge by an order dated 04.09.2019, which is impugned herein.

4. We have gone through the order passed by the learned Judge. Insofar as the order of transfer is concerned, which is one of the conditions of any employee especially a Government employee. When that being so, the transfer can be challenged only against malafide and



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not as a course. Therefore, such a challenge, when it is made, the Court will look into, whether there has been a proof of malafide, without which, normally the Court would not interfere with the order of transfer.

5. The present case also since there has been no such malafide alleged, had it been alleged, the person against whom such malafide alleged, could have been impleaded as party respondent in person and that has also not been done by the writ petitioner/appellant. Therefore, the justification on the part of the Writ Court to reject the writ petition through the impugned order, which in the considered opinion of us, does not require any interference of this Court.

Hence, this writ appeal stands dismissed. No costs. Connected miscellaneous petition is closed.

(R.S.K.,J.)

(C.K., J.)

09.10.2023

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

mp



Writ Appeal No.3398 of 2019

R.SURESH KUMAR., J.
and
C.KUMARAPPAN.,J.

mp

To

1. The Chief Educational Officer,
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