



WEB COPY

W.A. No. 327 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.03.2023**

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI**

W.A.No. 327 of 2013

K. Kumar

... Appellant

Vs.

1. State Commissioner for the Differently Abled
First Floor, Social Resource and Training
Centre (SRTC)
Behind Government Peripheral Hospital
Jawaharlal Nehru Inner Ring Road,
K.K. Nagar, Chennai – 600 078.

2. Government Higher Secondary School
for Hearing impaired
Represented by its Head Mistress,
Dharmapuri.

3. D. Janeela Jonsy

4. T. Kannagi

5. Government Higher Secondary School
for Hearing impaired
Represented by its Head Master,
Erode.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent challenging the final orders passed in W.P.No. 1579 of 2013 dated 31.01.2013.



WEB COPY

W.A. No. 327 of 2013

For Appellant : Mr. S. Saravana Kumar
For Respondents : Mr. L.S.M. Hasan Fizal,
Additional Government Pleader,
for respondents 1, 2 and 5
Respondents 3 &4 - Not ready notice

JUDGMENT

[Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*]

The appellant has filed the present appeal against the order passed by the Writ Court in W. P. No. 1579 of 2013, dated 31.01.2013.

2. The case of the appellant/petitioner is that he was transferred from the Government Higher Secondary School for Hearing Impaired, Dharmapuri, to the Government High School for Hearing Impaired, Erode. The said order came into force with immediate effect. Thereafter, he made a representation on the same day, when the order was served, namely 11.01.2023, stating that his wife was working as a Drawing Teacher in Krishnagiri, and he has got his aged mother to take care of, and also have to make arrangement for his son's wedding and to get his employment. However, the said representation was not considered. Hence, he filed the writ petition before the Writ Court.



W.A. No. 327 of 2013

WEB COPY

3. In the counter filed by the respondent before the Writ court, it was stated that the petitioner had alleged that one Tmt. T. Kannagi, another physical education Teacher of the same school, had not been transferred since the date of her appointment. According to the respondent, there was no physical education teacher in the Government High School for Hearing Impaired, Erode, whereas two physical education teachers were working in the Government Higher Secondary School for Hearing Impaired, Dharmapuri. Therefore, on administrative arrangement, the respondent-Department has passed the order, transferring the appellant to the Government High School, Erode.

4. Against this order of the respondent-department, the writ petition was filed, which was dismissed by order dated 31.1.2013. Challenging the said order, the present Appeal has been filed before this Court.

5. Heard the learned counsel for the parties concerned.

6. The transfer order passed by the respondent department on 10.01.2013 was under challenge in the writ petition on the ground of mala fides. The Writ Court has considered the contention of the appellant and



W.A. No. 327 of 2013

WEB COPY

found that the said transfer order was passed only on administrative grounds and therefore, there was no necessity to interfere with the said transfer order and on that ground, the Writ Petition was dismissed. We are also satisfied with the reasons assigned in the order passed by the learned Single Judge. We accept the contention of the respondent-department that since the impugned transfer order was passed in the year, 2013, now after a lapse of ten years, the order of transfer passed by the respondent-department cannot be interfered with. Further on merits also, as the transfer order passed by the respondent on administrative grounds and there was no mala fides in the said order, therefore, there is no ground warranting interference with the order dated 31.1.2013, passed by the learned Judge, impugned in this Writ Appeal. In view of the same, the writ appeal is liable to be dismissed. Accordingly, the writ appeal stands dismissed. No costs.

(D.K.K., J.) (K.G.T., J.)

24.03.2023

Intex : Yes/No
Internet : Yes/No
mrn



W.A. No. 327 of 2013

WEB COPY

To

1. The State Commissioner for the Differently Abled
First Floor, Social Resource and Training
Centre (SRTC)
Behind Government Peripheral Hospital
Jawaharlal Nehru Inner Ring Road,
K.K. Nagar, Chennai – 600 078.
2. The Head Mistress,
Government Higher Secondary School
for Hearing impaired
Dharmapuri.
3. The Head Master,
Government Higher Secondary School
for Hearing impaired
Erode.



WEB COPY



W.A. No. 327 of 2013

D.KRISHNAKUMAR, J.
and
K.GOVINDARAJAN THILAKAVADI, J.
(mrn)

W.A.No. 327 of 2013

24.03.2023