



W.P(MD)No.7241 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.7241 of 2023

and

W.M.P.(MD)No.6830 of 2023

A.Thomas

... Petitioner

**Vs.**

1.The Director of Elementary Education,  
Chennai-6.

2.The Joint Director of Elementary Education,  
Chennai-6.

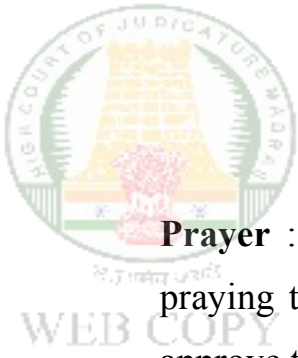
3.The District Educational Officer (Elementary Education),  
Valliyur,  
Tirunelveli District.

4.The District Educational Officer (Elementary Education),  
Tirumangalam,  
Madurai District.

5.The Block Educational Officer,  
Nanguneri,  
Tirunelveli District.

6.The Block Educational Officer,  
Tiruparankundram,  
Madurai District.

... Respondents



**W.P(MD)No.7241 of 2023**

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to approve the proposal for migration ie., one way transfer dated 30.09.2022.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.N.Satheeshkumar  
Additional Government Pleader

### **ORDER**

Heard the learned counsel on either side.

2. The petitioner joined the CMS Primary School, Panankulam, Nanguneri Block, Tirunelveli District as secondary grade teacher on 01.12.2008. He was promoted as elementary school headmaster on 03.11.2021. Since the petitioner's family is at Madurai, the petitioner wanted migration to an aided school at Madurai. Vacancy arose in the post of secondary grade teacher in TVS Primary School, Lakshmipuram, Madurai. The management of TVS Primary School, Lakshmipuram gave their consent for accommodating the petitioner in their school in the said post. The Management of CMS Primary School, Panankulam submitted proposal to the first respondent through the third respondent for such migration. The Department took the stand that since the petitioner should first be reverted as secondary grade teacher, they returned



W.P(MD)No.7241 of 2023

proposal. The tenure of the management of CMS primary school came to end on 14.11.2021. The proposal for reverting the petitioner to the post of secondary grade teacher was received by the department only subsequently on 28.11.2022. The stand of the department is that the management erred in submitting the proposal for migration in the first instance. According to them, only after formally reverting the petitioner to the post of secondary grade teacher and after getting approval of the same, the proposal for migration should have been submitted. In other words, the stand of the learned Additional Government Pleader is that cart has been placed before the horse. The counter affidavit filed by the respondents is on the same lines. The respondents are technically right.

3. But then, they do not go to the root of the matter. Both the managements namely CMS Primary School, Panankulam as well as TVS Primary School, Lakshmipuram have agreed that the petitioner can be transferred from one school to other. The petitioner has also agreed to be reverted. The then management has also submitted a proposal on the same lines. Merely because the proposal for migration was given before formally reverting the petitioner, the request of the petitioner need not be negated. I therefore direct the respondents to grant formal approval to the petitioner's



**W.P(MD)No.7241 of 2023**

reversion to the post of Secondary Grade Teacher in CMS Primary School, Panankulam. Thereafter, approval shall be given for migration of the petitioner to the TVS Primary School, Lakshmipuram. The entire process shall be completed within a period of five weeks from the date of receipt of a copy of this order.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

**20.04.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi

**NOTE:Issue Order Copy on 24.04.2023.**

To

- 1.The Director of Elementary Education,  
Chennai-6.
- 2.The Joint Director of Elementary Education,  
Chennai-6.
- 3.The District Educational Officer (Elementary Education),  
Valliyur,  
Tirunelveli District.
- 4.The District Educational Officer (Elementary Education),  
Tirumangalam,  
Madurai District.
- 5.The Block Educational Officer,



W.P(MD)No.7241 of 2023

Nanguneri,  
Tirunelveli District.

WEB COPY

6.The Block Educational Officer,  
Tiruparankundram,  
Madurai District.



WEB COPY



W.P(MD)No.7241 of 2023

**G.R.SWAMINATHAN, J.**

rmi

W.P(MD)No.7241 of 2023



WEB COPY



**W.P(MD)No.7241 of 2023**

20.04.2023