



W.P.(MD).No.8711 of 2023

WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8711 of 2023

and

W.M.P.(MD).Nos.7981 and 7982 of 2023

S.Paul David

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Tuticorin District,
Tuticorin.
- 2.The District Educational Officer,
Kovilpatti, Tuticorin District,
Tuticorin.
- 3.The Block Educational Officer,
Kayatharu,
Tuticorin District.
- 4.The Kovilpatti Tamil Baptist Schools Association,
No.2, SBM Street, Nalatinpudhur,
Kovilpatti,
Thoothukudi District.
- 5.The Correspondent/Manager,
The Tamil Baptist Schools,
622C 17/5 Ganesh Nagar, Yetayapuram Road,
Kovilpatti – 628 501,
Thoothukudi District.

... Respondents



W.P.(MD).No.8711 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the 5th respondent in connection with the impugned order of transfer passed by dated 03.04.2023 transferring the petitioner from Tamil Baptist Primary School, Vadakukonarkottai to Tamil Baptist Primary School, Veerapandiyapuram and quash the both as illegal, arbitrary and passed with an malafide intention.

For Petitioner : Mr.R.Maheswaran

For R-1 to R-3 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-4 and R-5 : Mr.G.Karthik,
for M/s.LajapathiRoy & Associates.

ORDER

This Writ Petition is filed challenging the transfer order passed by the fifth respondent dated 03.04.2023.

2. The petitioner was transferred within the same Corporate Management. Since the transfer is incident of service, this Court is not inclined to entertain this writ petition. More so, in the present case, the transfer is within the same Corporate Management. However, the petitioner's apprehension is that there was an earlier transfer order, which was challenged in W.P.(MD)No.14341 of 2021 and the Corporate Management has not paid salary from 2020 March to 2023 March, hence the Learned Counsel for the petitioner submitted that if this transfer is implemented, again the petitioner would not receive any salary.



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3. Therefore, this Court is inclined to protect the petitioner to a limited extent. The petitioner is directed to join the transferred School by obeying the transfer order dated 03.04.2023. The respondents shall pay the salary from the month of April 2023 and also continue to pay the salary thereafter. The said exercise shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order.

4. As far as the salary for the earlier period, which is challenged in W.P. (MD)No.14341 of 2021, the parties shall contest in the pending writ petition in W.P. (MD)No.14341 of 2021.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

17.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Issue Order Copy on 18.04.2023.



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S.SRIMATHY, J.

Nsr

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17.04.2023