



W.P(MD)No.10288 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10288 of 2023

and

W.M.P(MD)Nos.9140 & 9141 of 2023

R.Yuvaraj

... Petitioner

Vs.

- 1.The Joint Director of Elementary School
Education (Private School),
Chennai.
- 2.The District Education Officer,
Periyakulam, Theni District.
- 3.The District Education Officer,
Virudhunagar District.
- 4.The Block Education Officer,
Periyakulam, Theni District.
- 5.The Manager of Schools,
Diocese of Madurai-Ramanathapuram
Church of South India, Diocese Office,
162, East Veli Street, Madurai.
- 6.The Correspondent,
UC Primary School, Thenkarai,
Periyakulam, Theni District.



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7. The Correspondent,
CSI Primary School, Gopalapuram,
Aruppukkottai, Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.No.410/அ2/2022, dated 02.03.2023 on the file of the fourth respondent and quash the same and further direct the respondents to regularize the service of the petitioner in either of the respondents 6 and 7 Schools and to pay the arrears of Salary as well as monthly Salary.

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 to R-4 : Mr.N.GA.Natraj
Government Advocate

For R-5 to R-7 : M/s.H.Jasima Yasmin
for M/s.Ajmal Associates

ORDER

The present writ petition has been filed by a Secondary Grade Teacher seeking to quash the order passed by the fourth respondent herein.



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2. According to the learned Counsel appearing for the writ petitioner, the petitioner was originally appointed as a Secondary Grade Teacher on 13.01.2009 and his appointment was also approved. The petitioner was originally transferred from the sixth respondent School to CSI Middle School, Aundipatti on 11.04.2022. Though it was approved by the authorities, later it was cancelled on the ground that there are surplus Teachers at CSI Middle School, Aundipatti.

3. In view of the dis-approval by the authorities, the Management had transferred the writ petitioner from the sixth respondent School to seventh respondent School on 06.10.2022. However, the authorities have refused to approve this transfer order also on the ground that the relieving order from CSI Middle School, Aundipatti is not proper.

4. A perusal of the impugned order reveals that the authorities have involved themselves in an *inter se* dispute between two Teachers in the same Management and they have been too technical in considering the request for approved transfer orders. Once the authorities find that there are vacancies within the staff fixation order, they are mandated to approve the order of



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transfer. In the present case, if the authorities arrive at a finding that there are no surplus Teachers in the seventh respondent School and the transfer of the writ petitioner to the seventh respondent School will not result in surplus, they are duty bound to approve the same.

5. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the fourth respondent herein. The fourth respondent is directed to approve the transfer of the writ petitioner from the sixth respondent School to the seventh respondent School, in case if they are arrive at a finding that there are no surplus Teachers in the seventh respondent School. The said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

6. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

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R.VIJAYAKUMAR, J.

BTR

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