



Cont.P(MD)Nos.1525,2070,1648, 1601 and
1662 to 1667 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P(MD)Nos.1525,2070,1648, 1601 and
1662 to 1667 of 2023

in

W.P(MD)Nos.17279 of 2021, 1004 and 998 of 2022,
17644, 17295, 17645, 17882, 18703, 18767,
18789 of 2021

CONT P(MD)No.1525 of 2023

T.Thilagavathi ... Petitioner/Petitioner

vs.

1.Kakarla Usha,
The Principal Secretary to Government,
Department of School Education,
Fort.George, Secretariat,
Chennai.

2.M.Aarthi
The State Project Director,
Samagra Shiksha,
DPI Campus,
Nungampakkam,
Chennai - 600 006.

3.Rajendran,
The Joint Director of School Education
(Personnel),
Office of the Chief Educational Officer,
Madurai District,
Madurai.

... Contemnor/Respondents



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PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents under the provisions of contempt of Courts Act, 197 for willful and deliberate disobedience of the order passed by this Court in WP(MD)No.17279 of 2021 dated 24.11.2021.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.Veera Kathiravan,
Additional Advocate General,
Mr.G.Vairam Santhosh,
Additional Government Pleader

ORDER

When these contempt petitions have been taken up for hearing, the learned Additional Advocate General submits that as against the order passed in the writ petitions, the government has filed writ appeals and it was also allowed by the Hon'ble Division Bench of this Court.

2.It is reported that as against the orders passed in WP(MD)No.16885 of 2021 the Government has filed an appeal in WA(MD)Nos.2230 to 2242 of 2021 and the writ appeals have been allowed by judgment dated



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07.11.2023 in the following terms:

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"25.The interference by the High Court in the matter of administrative transfers would undoubtedly cause administrative inconvenience for the Government Departments to manage the departmental affairs. Therefore, the High Court is expected to exercise restraint in interfering with the administrative transfer orders and transfer guidelines issued in the form of transfer counselling or otherwise.

26.Number of Writ Petitions were filed challenging the constitutional validity of the transfer policy decisions and the guidelines issued by the Government. Thus, multiple intra-court Writ Appeals are filed. Since the transfer guidelines issued by the Government are upheld, the transfer orders issued consequent to the guidelines are to be validated. Therefore, the transfer orders issued pursuant to the transfer guidelines are upheld and to be implemented uniformly to all other teaching staff irrespective of the fact



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whether they have instituted separate Writ proceedings or Writ Appeals.

27.The learned Additional Advocate General made a submission that the Government Order was issued and concession was granted to 362 teachers working in the cadre of Block Resource Teacher Educators by considering their long services of about 7 years in a far of place and to redress their grievances. Such concession extended would not affect the service conditions of the other employees and therefore, the very cause set out in the Writ Petitions are untenable.

28.The service conditions of the teaching staff are not violated on account of the transfer orders passed by the competent authorities. Thus, we find no reason to confirm the relief granted by the learned Single Judge in the order impugned. Consequently, the impugned orders dated 24.11.2021 and 28.01.2022 passed in W.P. (MD) Nos.16884 of 2021 and 1499 of 2022 are quashed and the Writ Appeals filed by the State in W.A. (MD) Nos.



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699 and 1164 of 2022 are allowed and the impugned order dated 24.11.2021 passed in W.P. (MD)Nos.19707, 19710, 19708, 19709, 19712, 19711, 18709, 18796, 18705, 18706, 18707, 17358, 18708 and 16884 of 2021 is confirmed and the Writ Appeals filed by the writ petitioners in W.A. (MD)Nos.2230 to 2242 of 2021 and 1966 of 2023 are dismissed. No costs. Consequently, connected miscellaneous petitions are closed."

2.In view of the orders passed in the writ appeals, these contempt petitions are closed.

3.Further it is reported before this Court that these transfers have been made for extraneous consideration by the authorities concerned. The learned Counsel Mr.Pon Ramkumar, has brought to the notice of the letter and the documents produced by one of the BRTs. Since it was brought to the notice of this Court, the person concerned against whom allegations are made, has intimidated the counsel by lodging a complaint before the Bar Council of Tamil



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Nadu. The materials placed before this Court appears
to be very serious.

4. Therefore the Director of Vigilance and
Anticorruption shall look into the materials placed
before this Court and proceed further in accordance
with law. The Registry shall forward the said
materials to the V& AC.

01.12.2023

dsk
To

1. The Principal Secretary to Government,
Department of School Education,
Fort. George, Secretariat,
Chennai.
2. The State Project Director,
Samagra Shiksha,
DPI Campus, Nungampakkam,
Chennai - 600 006.
3. The Joint Director of School Education
(Personnel),
Office of the Chief Educational Officer,
Madurai District,
Madurai.

Copy to:

The Director,
Vigilance and Anticorruption Department,
Chennai.



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B . PUGALENDHI , J .

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