



W.P(MD).No.19600 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 16.11.2023

ORDER PRONOUNCED ON : 20.11.2023

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.19600 of 2023
and W.M.P(MD).No.16192
and WMP(MD).No.19496 of 2023**

D.Gnanadiraviam

....Petitioner

Vs

1.The Congregation of Sisters
of the Cross of Chavanod
Holly Cross Provincialate
Puthur
Trichirappalli 620 017

2.The Correspondent
Rev.Sister.Jacob Lourdu Mary
R.C.Middle School
Butter Worth Road
Trichy 620 002

3.The District Collector
Collectorate Campus
Cantonment
Trichirappalli 620 002

4.The Chief Educational Officer
Trichirappalli District
Trichy



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5.The District Educational Officer
Sengulam Colony
Mannarpuram
Trichy

6.The Block Educational Officer
Kuratheru
Uraiyur
Trichy

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for all records relating to the order of Mutual Transfer dated 26.07.2023 issued by the first respondent Congregation of the Sisters of Cross of Chavanod, Holy Cross Provincialate, Puthur, Tiruchirappalli 620 017 and quash the same and consequently direct the respondents 3 to 6 to oversee that the respondents 1 and 2 continues the petitioner in the R.C.Middle School, Butter Worth Road, Trichirappalli 620 002 with all benefits, privileges and emoluments from 10.07.2023 onwards.

For Petitioner : Mr.M.Joseph Thatheus Jerome
For Mr.P.Sivachandran

For R1 & R2 : Mr.FR.S.Savarimuthu
For M/s.Father Xavier Associates

For R3 to R6 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a Secondary Grade Teacher working in a Minority Aided School challenging the order of transfer passed



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by the first respondent management.

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2. According to the learned counsel appearing for the writ petitioner, the petitioner is working in the second respondent School managed by the corporate management of the first respondent, from the year 2007 onwards. The petitioner had found out irregularities in providing mid-day meals to the children and had lodged a complaint to the District Collector on 17.07.2023. The petitioner has also found out that the middle school sections were being handled by the teachers without proper qualification. Hence, she had sent a representation to the Educational Authorities on 18.07.2023. A further representation was sent to the District Collector on 24.07.2023.

3. In view of the said allegation raised by the petitioner as against the management with vindictive/malafide attitude, the present order of transfer has been passed. As per the impugned order, the petitioner has been transferred from R.C.Middle School, Butter Worth, Trichy to Holy Cross Primary School, Ponmalai, Trichy.

4. According to the learned counsel for the petitioner, each School should be treated as an independent unit and therefore, the corporate management has no power to transfer the teachers from one School to another School even on administrative grounds. The order impugned in the writ petition indicates that it is a mutual transfer. However, there is no reference about any reciprocal transfer in the place of the writ petitioner. Even though



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the order of transfer does not reflect any allegation as against the writ petitioner, paragraph No.9 of the counter filed by the management clearly reflects that due to certain allegations, the petitioner has been transferred from the second respondent School. Therefore, it is clearly a case of punitive transfer and hence, he sought to set aside the said transfer order.

5.Per contra, the learned counsel for the second respondent had filed a counter contending that the first respondent is a corporate management and the petitioner has been transferred from one School to another School falling within the same corporate management. Hence, the petitioner cannot question the power of management to transfer the writ petitioner. The impugned order clearly points out that it is on administrative grounds. The petitioner had made some wild allegations as against the management to the Educational Authorities. The Authorities have conducted a detailed enquiry and the sixth respondent had filed a report on 21.07.2023 to the fifth respondent herein. The said report will clearly indicate that the petitioner has made false allegations as against the School Management.

6.The learned counsel had further contended that it is not a punitive transfer, but it is only due to administrative exigency. The petitioner has been transferred from one School to other School within the corporation limit of Trichy.



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7.The learned Government Advocate appearing for the official respondents had filed a counter contending that the corporate management has got power to transfer the teachers from one School to another School falling within their management. In the counter affidavit, the official respondents have pointed out that the report of the sixth respondent dated 21.07.2023 wherein certain allegations have been made as against the writ petitioner. In the counter, it has further been pointed out that the petitioner has developed friction with the School Management and has lodged a complaint with mid-day meal administration and hence, he prayed for dismissal of the writ petition.

8.I have considered the submissions made on either side and perused the material records.

9.The writ petitioner is working in the second respondent School which is an Aided Minority Institution. The said School and various other Schools are managed by the first respondent corporate management. In the impugned order of transfer, the petitioner has been transferred from one School to another School within the corporation limits of Trichy on administrative grounds. The order of transfer effected by a corporate management among the School falling within their management cannot be challenged by way of a writ petition. The transfer of the petitioner is not regulated or governed by any statutory provisions or rules connected there with. Therefore, this Court



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is of the considered opinion that the writ petition itself is not maintainable.

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10.As far as the contention that the transfer order has been passed with malafide reason in view of the complaint made to the authorities is concerned, as rightly pointed out by the learned counsel for the first respondent, a detailed enquiry has been conducted by the Educational Authorities and they have already found that the allegation of the writ petitioner as against the management do not have any basis.

11.The allegation of malafides made in the writ petition are very vague in nature and they are not specific as against the first respondent who had passed the order of transfer.

12.The petitioner had contended that the order of transfer points out that it is a mutual transfer order when the same is not so. The learned counsel for the second respondent concedes to the fact that it is not a mutual transfer, but it is a transfer on administrative grounds. Due to typographical error, it was mentioned as mutual transfer. Just because of the word, “ Mutual” has been used in the order of transfer, the same cannot be taken advantage of by the writ petitioner.

13.In paragraph No.9 of the counter, it has been pointed out that the petitioner is refusing to receive circular, not co-operating with other teachers, taking leave without information. Therefore, it is clear that the transfer order has been passed in order to meet out administrative exigency. Merely because



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non co-operation of the petitioner is mentioned in the counter affidavit, the same cannot be construed to be punitive in nature.

14.In view of the above said deliberations, this Court does not find any merit in the writ petition and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.11.2023

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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