



W.P.(MD).No.15382 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.15382 of 2018

and

W.M.P(MD)Nos.13865, 13866 and 15237 of 2018

Banumathi

... Petitioner

Vs.

- 1.The District Educational Officer,
O/o.The District Educational Officer,
Thirumangalam District,
Madurai District.
- 2.The Block Educational Officer,
Kallikudi Union,
Kallikudi, Thirumangalam, Educational District,
Madurai District.
- 3.The Head Master,
Panchayat Union Middle School,
M.Pudupatti,
Kallikudi Union,
Madurai District.

... Respondents

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 pertaining to the impugned relieving order, relieving the petitioner from the Panchayat Union Middle School, M.Pudupatti, Kallikudi Union, Madurai District, dated 13.06.2018 on the file of the Respondent No. 3 and quash the same as illegal.



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For Petitioner : Mr.S.Louis

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

This Writ Petition is filed challenging the relieving order dated 13.06.2018.

2. The petitioner was transferred from Panchayat Union Middle School, Pudupatti to Maitanpatti Panchayat Union School, which is 35 km away. The petitioner has challenged the transfer order in W.P.(MD)No.12960 of 2018 and this Court vide order dated 01.02.2021 has held as under:

“3. The learned Government Advocate, on instructions submitted that the petitioner has now been retained in the same Panchayat Union Middle School at Ma.Pudupatti of Kallikudi Union. It is his further submission that the respondents do not intend to transfer the petitioner once again. However, if the petitioner indulges in any such conduct, which is not suitable for the post, the respondents may be at liberty to take further course of action against the petitioner.

4. It is needless to point out that the post of B.T.Assistant requires the concerned teacher to act in utmost faith and respect for the entire Education Department and that any act of misconduct will entitle the concerned Educational Authorities to initiate action against such teacher.

5. With such observation, the writ petition stands closed, in view of the submission of the learned Government



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Advocate that the school does not intend to transfer the petitioner, pursuant to the impugned order. No costs. Consequently, connected miscellaneous petitions are closed”.

3. The present Writ Petition is filed challenging the relieving order. Since the aforesaid Writ Petition challenging the transfer order was closed, following the said order, this Court is also inclined to close this Writ Petition. However, the respondents are at liberty to take action within their power including transfer. The learned counsel appearing for the petitioner submitted that from 14.06.2018 to 26.07.2018, the petitioner was not allowed to join either in the transfer place nor was allowed to continue in the original place. The petitioner is at liberty to submit a representation to the respondents and the respondents shall pass an order in accordance to law.

4. Accordingly, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

24.04.2023

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



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S.SRIMATHY, J.

Nsr

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