



SUB A(MD). No.281 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Contempt Jurisdiction)

Friday, the First day of December,
Two Thousand and Twenty Three

PRESENT
The Hon'ble Mr.Justice B.PUGALENDHI

SUB A(MD). No.281 of 2023
in
CONT.P(MD) No.1299 of 2023

C.Muthupandi ... Petitioner/Petitioner/Petitioner

Vs

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

2. Rajendran,
The Joint Director of School Education(Personnel),
Evk Sampath Maaligai,
DPI Campus, College Road,
Nungambakkam,
Chennai-600 006.

3. Senthil Vel Murugan,
The Chief Educational Officer,
O/o.The Chief Educational Officer,
Theni District,
Theni.

... Respondents/Respondents/Respondents

Prayer :-

Sub Application filed under Section 151 of Code of Civil Procedure, praying
this Court to reopen the Contempt Petition(MD) No.1299/2023 dated 25.08.2023

<https://www.mhc.tn.gov.in/judis>



SUB A(MD). No.281 of 2023

and punish the respondents under the provisions of Contempt of Courts Act 1971 for willful and deliberate disobedience of the order passed by this Honourable court in WP(MD) No.16885/2021 dated 24.11.2021 and pass such other appropriate order as this Honourable Court may deem fit and thus render justice.

Prayer in Cont.P(MD) No.1299 of 2023:

Contempt Petition filed under Section 11 Contempt of Court Act, praying this Hon'ble Court to punish the respondents under the provisions of Contempt of Court Act, 1971 for the willful and deliberate disobedience of the order passed by this Honourable Court in WP(MD).No. 16885/2021 dated 24-11-2021 and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER:- This Sub Application coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.D.Shanmugaraja Sethupathi, Advocate for the Petitioner and of Mr.Veera.Kathiravan, Additional Advocate General-III, assisted by Mr.G.V.Vairam Santhosh, Additional Government Pleader, appearing on behalf of the respondents, this Court made the following order:

This Sub Application has been filed to reopen the contempt petition in Cont P (MD)No1299 of 2023, which was already closed by order dated 25.08.2023.

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



SUB A(MD). No.281 of 2023

writ appeals have been filed by judgment dated 07.11.2023 in the following terms:

WEB COPY

“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 whether they have instituted separate Writ proceedings or Writ Appeals.



SUB A(MD). No.281 of 2023

WEB COPY

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.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,



SUB A(MD). No.281 of 2023

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.

3.Since the issue has already been decided by the Division Bench of this Court in the above writ appeals, this sub application is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS-I,II,III,IV)

TO

1. Mrs.Kakarla Usha,
The Principal Secretary to Government,
Department of School Education,
Fort St.George, Secretariat,
Chennai.
2. Rajendran,
The Joint Director of School Education(Personnel),
Evk Sampath Maaligai,
DPI Campus, College Road,
Nungambakkam,
Chennai-600 006.



SUB A(MD). No.281 of 2023

3. Senthil Vel Murugan,
The Chief Educational Officer,
Theni District,
Theni.

ORDER DATED : 01/12/2023

=====

ORDER

=====

SUB A(MD). No.281 of 2023

in

CONT.P(MD) No.1299 of 2023

Giving direction and etc.
as stated within.

KB(06.02.2024) 6P 4C