



W.P.No.29688 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29688 of 2023
and W.M.P.Nos.29295 & 29296 of 2023

S.Janaranjani

...Petitioner

-Vs -

1. The Joint Director (Personal)
School Education Department,
3792+7PF, College road Ln,
Road Revenue,
Nungambakkam,
Chennai – 600 006.
2. The Director,
School Education Department,
3792+7PF, College road Ln,
Road Revenue,
Nungambakkam,
Chennai – 600 006.
3. The Principal Secretary,
School Education Department,
3792+7PF, College road Ln,
Road Revenue,
Nungambakkam,
Chennai – 600 006.



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4. The Chief Education Officer
School Education Department,
227, Old Railway Station Road,
Konavikkal, Marapalam,
Erode, Tamil Nadu – 638 001.
(R4 amended as per order
dated 27.11.2023 in W.M.P.
No.31528 of 2023 in W.P.No.
29688 of 2023)

5. The Headmaster
Government Higher Secondary School,
Pudhuppai,
Tirupur District – 638 111.

6. The Headmaster
Government High School,
Karavalasu,
Erode District – 638 109.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, to call for the records on the file of the first respondent in Na.Ka.No.658/A4/E3/2023 dated 20.09.2023, quash the same as illegally, arbitrary and wholly without jurisdiction and consequently to permit the petitioner herein to continue to exercise her duties as a Junior Assistant in the Karavalasu Government High School.

For Petitioner : Mr.V.Srimathi

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader



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ORDER

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This writ petition has been filed challenging the order passed by the first respondent dated 20.09.2023, thereby cancelling the transfer order dated 16.09.2023.

2. The petitioner was selected and appointed by direct recruitment to the post of Junior Assistant – School Education Department. She had joined in the Chinnasamy Ammal Municipal Higher Secondary School, Tirupur. Thereafter, she was transferred to Puduppai Government Higher Secondary School, Tirupur. Due to medical ailments, she could not travel long distance. Therefore, the petitioner submitted representation to the first respondent seeking voluntary transfer to another school in the vicinity of her residence. Considering the said request, the first respondent by an order dated 16.09.2023, transferred the petitioner to Karavalasu Government High School, Erode District.

3. Accordingly, the petitioner was relived from the school at Tirupur district and joined in the Government High School, Karavalasu,



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Erode District, on 19.09.2023. Immediately on 20.09.2023, the first respondent passed the impugned order thereby cancelled the order of transfer dated 16.09.2023 on the administrative ground, thereby directed the petitioner to rejoin in her parent school viz., Puduppai Government Higher Secondary School, Tirupur District. Hence, the petitioner filed this writ petition with the above said prayer.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of counter filed by the first respondent revealed that one N.Chandrasekaran was already transferred to the Government Higher Secondary School, Karavalasu, Erode District, by an order dated 01.09.2023. Therefore, there is no vacancy in the post of Junior Assistant in the said school. Therefore, the transfer order of the petitioner was cancelled and directed the petitioner to rejoin in her parent school. Subsequently, the petitioner did not join and report to her school as such, she was issued with show cause notice dated 12.03.2024, to submit her explanation for non joining in her parent school.



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6. It is seen from the records that, as per the transfer order dated 16.09.2023, immediately on 19.09.2023, the petitioner had joined in the post of Junior Assistant in Government High School, Karavalasu, Erode District. As per the transfer order, she has to join within a period of one week from the date of that order. If the said N.Chandrasekaran transferred to the same school by an order dated 01.09.2023, he ought to have joined duty within a period of one weeks from the date of his transfer order. When the petitioner joined in the school, it was lying vacant and no one was joined in the said post.

7. Further, the impugned order of transfer revealed that it was passed on administrative grounds. In fact, as per the specific request made by the petitioner, it was considered and she was transferred to the Government High School, Karavalasu, Erode District. Now it cannot be said that the order of transfer cancelled due to administrative reasons. Therefore, the impugned order dated 20.09.2023 cannot be sustained and it is liable to be quashed.



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8. Accordingly, the impugned order dated 20.09.2023, passed by the first respondent in Na.Ka.No.658/A4/E3/2023, is hereby quashed.

The first respondent is directed to permit the petitioner to continue her post of Junior Assistant in the Government High School, Karavalasu, Erode District, forthwith. Insofar as the show cause notice dated 12.03.2024 is concerned, the petitioner is directed to submit her explanation and on receipt of the same, the authority concerned is directed to close the proceeding.

9. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

14.03.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

Note :- Issue order copy on
or before 28.03.2024



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To

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