



WEB COPY



W.A.No.1608 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.1608 of 2021
and
C.M.P.No.10020 of 2021

1.Director of School Education,
College Road, Chennai-600 006.

2.Joint Director of School Education (Personnel),
College Road, Chennai-600 006.

3.The Chief Educational Officer,
Tiruppur.

4.The District Educational Officer,
Tiruppur.

... Appellants

Vs.

J.Sutha

... Respondent

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the Order dated 06.06.2012 made in W.P.No.14419 of 2012 and allow this Writ Appeal.

For Appellants : Mr.U.M.Ravichandran,
Special Government Pleader (Education)

For Respondent : Mr.A.G.Rajan



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J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

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The writ appeal has been instituted challenging the writ order dated 06.06.2012 in W.P.No.14419 of 2012.

2. The respondent, Ms.J.Sudha was holding the post of B.T.Assistant, Panchayat Union Middle School, Prithivimangalam, Villupuram District. She made a request application to transfer her to Coimbatore District. Considering the request transfer application, the first respondent was transferred from Villupuram District to Coimbatore District in proceeding dated 26.09.2009.

3. Admittedly it is a unique transfer from the Panchayat Union/Municipal Middle School under Elementary Education Department to School Education Department. While considering the request transfer application for unit transfer, conditions are imposed in the order of transfer itself. Condition No.3 in the transfer order states that "*the teacher getting Unit to Unit Transfer will be placed as the junior most to all those B.T.Assistants who were already joined in the School Education Department Service*". The respondent accepted the conditions stipulated in



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the request transfer order dated 26.09.2009 and joined in Coimbatore District. Having accepted the conditions to forego the seniority, she cannot turn around and file writ petition claiming seniority in the transferred place at Coimbatore District.

4. That being the factum, the Writ Court ought not have granted seniority in favour of the first respondent in violation of her admission of the conditions in the request transfer order. Thus, the writ order is not in consonance with the principles established.

5. Accordingly, the order impugned dated 06.06.2012 in W.P.No.14419 of 2012 is set aside and the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(C.K.J.,)

26.07.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(sha)



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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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