



WP(MD). No.14706 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 04/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.14706 of 2024
and WMP(MD) Nos.12903 & 12904 of 2024**

Umamaheswari. V

... Petitioner

Vs

1. The Chief Educational Officer,
O/o.The Chief Educational Office,
Virudhunagar, Virudhunagar District.

2. The District Educational Officer (Elementary),
O/o.The District Educational Office,
Virudhunagar, Virudhunagar District.

3. The Block Educational Officer,
(Elementary), O/o.The Block
Educational Office, Kariyapatti,
Virudhunagar District.

4. The Secretary,
Gandhi Kalvi Nelayam Primary School,
Nagampatti, Palavanatham Post,
Kariyapatti Taluk,
Virudhunagar District.

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the



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records relating to the impugned order of transfer passed by the 3rd Respondent in his proceedings in Na.Ka.No.669/A2/2023 dated 18.06.2024 (served to the petitioner on 26.06.2024) and quash the same as illegal.

For Petitioner : Mr.Ajmal Khan
senior counsel
For Respondents : Mr.M.Siddharthan
Special Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2.Heard the learned Senior counsel for the petitioner and the learned Special Government Pleader for the respondents.

3.The petitioner has filed this writ petition challenging the impugned order of 3rd respondent dated 18.06.2024.

4. The petitioner, who was working as Headmistress in the 4th respondent school, has challenged the transfer order dated 18.06.2024, thereby transferring her from the 4th respondent school to Panchayat



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Union middle school, Kariyapatti.

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5. The learned Senior counsel for the petitioner submitted that the 4th respondent school is under direct payment in view of certain dispute in the management. It is submitted that the third respondent has taken advantage of the same and transferred the petitioner to some other school and that she did not have the jurisdiction to pass such orders. It is further submitted that there is no dispute that the 4th respondent school is a private aided school and not a Government school. Just because there is some dispute in the management, the school is under direct payment, the third respondent has assumed that it is under his direct management and has passed orders.

6. However, the learned Special Government Pleader submitted that the order is only passed by deputing the petitioner to some other school in the interest of students studying there and it cannot be construed as a transfer.

7. If it is considered as a deputation, the third respondent is



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expected to exercise such authority only in respect of those teachers working in the Government schools against whom he can assume power to effect such orders of deputation/transfer.

8. In this regard, it is relevant to cite the judgment of this Court held in WP(MD) No.28029/2021, dated 04.03.2024, wherein, reliance has been placed on the earlier judgment rendered by this Court in the case of Alagusundaram and others v. Directorate of Collegiate Education reported in CDJ (12) MHC 4837. In the said judgment, it is held that in the guise of regulating the payment of salary and leave facilities and in the absence of dereliction of power, the directorate of collegiate education ought not to have initiated any disciplinary proceedings against the employees of the private aided college.

9. In the present case, since the third respondent happened to be a salary disbursing authority, in view of certain misunderstanding between the school committee, his power cannot be extended to that of directly managing the school in all the affairs including the transfer of teachers etc.



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10. No doubt, the impugned order has been passed by the third respondent without jurisdiction and hence, it is liable to be set aside.

Accordingly, the writ petition is allowed by setting aside the order of the third respondent dated 18.06.2024. No costs. Consequently connected Miscellaneous Petition is closed.

04.07.2024

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TO

1. The Chief Educational Officer,
O/o. The Chief Educational Office,
Virudhunagar,
Virudhunagar District.

2. The District Educational Officer (Elementary),
O/o. The District Educational Office,
Virudhunagar,
Virudhunagar District.

3. The Block Educational Officer,
(Elementary), O/o. The Block
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R.N.MANJULA,J

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