



W.P.(MD).No.23537 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23537 of 2024

and

W.M.P(MD) Nos.19927 and 19928 of 2024

V.Kamala

... Petitioner

Vs.

1. The Director,
Department of Welfare for Differently
Abled Persons,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai 600 005.

2. The Headmaster,
Government Higher Secondary School
for hearing impaired,
Thanjavur – 1.

3. The Headmaster,
Government Higher Secondary School
for hearing impaired,
Cuddalore and District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent through



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his proceedings in Na.Ka.No.6546536/CPANIR1/2024, dated 06.08.2024 and consequential order issued by the first respondent through his proceedings in No.Na.Ka.No.6546536/CPANIR1/2024, dated 06.08.2024 and to quash the same and consequently directing the first respondent to pass orders to retain the petitioner in the second respondent School as Secondary Grade Teacher.

For Petitioner : Mr.F.Deepak
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a Secondary Grade Teacher working in a Special School at Thanjavur District, challenging her order of transfer to a Special School at Cuddalore District.

2. A perusal of the impugned order dated 06.08.2024 passed by the first respondent reveals that the petitioner is working in a Special School for hearing impaired children at Thanjavur and she had been transferred to a similar School at Cuddalore and posted as Headmaster in- charge.



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3. According to the petitioner, the order impugned in the writ petition has been passed only to accommodate the other two teachers. It is further contended that the petitioner has not attended any counselling and on administrative grounds an order of transfer has been issued.

4. The learned counsel appearing for the petitioner has contended that there are only 13 students in Cuddalore District and three Teachers are already working there. On the other hand, in Thanjavur where the petitioner is presently working, there are 121 students. In such circumstances, there is no necessity to transfer the writ petitioner from Thanjavur to Cuddalore. He further contends that the petitioner is about to retire in the year 2027 and has given a representation on 20.08.2024 seeking to re-transfer her to Thanjavur.

5. Per contra, the learned Additional Government Pleader appearing for the respondents had contended that the petitioner is working in Thanjavur, right from the date of her appointment namely, from the year 1991 onwards. Considering the fact that the post of Headmaster is vacant at Cuddalore, the petitioner has been transferred to Cuddalore as a Secondary Grade Teacher and in-charge Headmaster. He further contends that the transfer is only on



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administrative grounds, considering the fact that the petitioner is in the present station for more than thirty years.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. The grounds raised in the writ petition reveal that the petitioner is aggrieved by her transferred from Thanjavur to Cuddalore primarily on the ground that she alone has been transferred and no other teacher from the said school has been transferred. Considering the fact that the petitioner is working at Thanjavur right from the date of appointment in the year 1991 onwards and the present impugned order having been passed on administrative grounds, this Court does not find any reason to interfere in the said order. That apart, the petitioner has got three more years of service and therefore, the question of considering her request for retaining herself at Thanjavur also would not arise. Further, the petitioner has given a representation to the first respondent on 20.08.2024 seeking re-transfer to Thanjavur and the same is not considered. Hence, the first respondent is directed to consider the said representation of the writ petitioner and pass



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orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

16.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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R.VIJAYAKUMAR,J.

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