



W.P.(MD).No.27700 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27700 of 2022

and

W.M.P.(MD).No.21813 of 2022

E.Ebenezer Jebakumari

... Petitioner

vs

1.The Directorate of School Education,
School Education Department, DPI Complex,
Chennai.

2. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

3. The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

4. The Correspondent,
Mary Sargent Girls Higher Secondary School,
Palayamkottai,
Tirunelveli District.

5. The Correspondent,
Schaffter Higher Secondary School,
Swami Nellaiappar High Road,
Tirunelveli Junction,
Tirunelveli.



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6. The Administrators,
CSI Diocese of Tirunelveli,
No.1680/8, North High Ground Road,
St. Johns College Hostel Campus,
Near Krishna Hospital, Palayamkottai,
Tirunelveli District.

7. The Manager,
TDTA Higher Secondary Special Schools,
CSI Diocese of Tirunelveli,
Diocesan Office, Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned Return Order of the 3rd respondent in Na.Ka.No.5598/A1/2022 dated 26.09.2022 and quash the same and further directing the 3rd and 5th respondent to disburse the petitioner's arrears of salary from the date of assuming her charge as Secondary Grade Teacher in the fifth respondent school i.e., 03.08.2021 till to date and further direction to continue to pay the monthly salary.

For Petitioner	: Mr.R.Maheswaran
For Respondent Nos.1 to 3	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent No.7	: Mr.P.P.Alwin Balan
For Respondent Nos.4,5 & 6	: No appearance



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ORDER

The instant writ petition has been filed by a Secondary Grade School Teacher, challenging the order passed by the third respondent herein on 26.09.2022, refusing to approve the order of transfer issued by the management, wherein the petitioner has been transferred from Mary Sargent School, Palayamkottai to Schaffter Higher Secondary School, Tirunelveli Junction, Tirunelveli.

2. A perusal of the impugned order reveals that the petitioner was originally transferred from Sara Tucker School to Mary Sargent School by way of proceedings dated 21.07.2017, in the place of one Mrs.Little Gracia. However, in view of the legal proceedings initiated by the said teacher and the orders passed by the Educational Authorities, the said teacher Mrs.Little Gracia has been retained at Mary Sargent School. In such circumstances, the management did not have any other opinion than to transfer the writ petitioner from Mary Sargent School to Schaffter School, Tirunelveli. Exercising their power of transfer, the management has transferred the petitioner from Mary Sargent school to Schaffter school on 03.08.2021 and



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the petitioner is said to have joined immediately in Schaffter school. The Chief Educational Officer, Tirunelveli by his proceeding dated 16.03.2023, has passed an order, retaining the services of Mrs.Little Gracia as a Secondary Grade Teacher in Mary Sargent School. In such circumstances, the transfer of the writ petitioner by the management (for want of vacancy) from Mary Sargent School to Schaffter School cannot be found fault with.

3. In view of the above said deliberations, this Court is inclined to pass the following orders:

i) the order impugned in this writ petition is set aside and the matter is remitted back to the file of the third respondent.

ii) The fifth respondent is directed to sent proposal for claiming salary of the writ petitioner from 04.08.2021 onwards, within a period of two weeks from the date of receipt of a copy of this order.

iii) on receipt of the said proposal from the fifth respondent, the third respondent is directed to pass orders disbursing the salary of the writ petitioner within a period of four weeks thereafter.



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4. With the above said observations, this writ petition stands allowed.

No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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