



W.P.(MD)No.26401 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.26401 of 2023
and WMP(MD).Nos.22715, 22716 and 23929 of 2023

M.I.Maheen

..... Petitioner

vs.

1.The Director of Private Schools
College Road, Chennai 06

2.The Joint Director of School Education
(Personnel)
College Road, Chennai 06

3.The District Educational Officer
(Private Schools), Nagercoil
Kanyakumari District

4.The Chairman
All India Private Schools Law Protection Society
No.9, North Jeganatha Nager
1st Street, Villivakkam
Chennai 49

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying for a Writ of Certiorari calling for the records relating to the impugned



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transfer order issued by the first respondent Director in Na.Ka.No.459/A1/2023 dated 13.10.2023 and the consequent proceedings issued by the second respondent Joint Director in Na.Ka.No.61511/A4/E2/2023 dated 16.10.2023 quash the same.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R3

:No appearance for R4

ORDER

The instant writ petition has been filed by a Junior Assistant working in the District Educational Officer of Kanyakumari District challenging his order of transfer from the said place to Government Higher Secondary School, Vallankumaravillai, Kanyakumari District.

2. According to the learned counsel for the writ petitioner, the fourth respondent who is no way connected with the administration of the educational institution has lodged an undated complaint as against the writ petitioner. Based upon the said complaint, the Director of School Education has recommended to the Joint Director to transfer the petitioner to some other place. A consequential order has been passed by the Joint Director of School Education on 16.10.2023



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by effecting the above said transfer order. Since the order dated 13.10.2023 issued by the Director of School Education to the Joint Director, referred the complaint as against the writ petitioner, the order of transfer is punitive in nature and therefore, it is liable to be set aside.

3.Per contra, the learned Additional Government Pleader appearing for the respondents had contended that the order dated 13.10.2023 passed by the Director to the Joint Director of School Education of is only recommendatory in nature. When the Joint Director of School Education has passed an order of transfer on 16.10.2023 and it is specifically refers that it is a transfer on administrative grounds, the petitioner having joined the transferred place on 29.11.2023, cannot maintain the present writ petition. He had further contended that the order of transfer cannot be considered to be punitive in nature.

4.I have considered the submissions made on either side and perused the material records.

5.A perusal of the impugned order reveals that the petitioner has been transferred on administrative grounds. However, the recommendatory order of the Director of School Education reveals that the petitioner has been transferred on the basis of the complaint said to have been lodged by the fourth respondent who



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is not connected with the School or any other educational institution.

6.A perusal of the order passed by this Court in W.P(MD).No.15845 of 2020 dated 23.12.2020 reveals that the fourth respondent is in the habit of filing the writ petition making allegation as against the officials of the education department. It seems that the impugned order has also been passed under the threat of the fourth respondent herein.

7.Considering the fact that the petitioner has joined the transferred place on 29.11.2023, this Court is not inclined to quash the order of transfer. However, this Court is of the considered opinion that the educational authorities without verifying the complaint lodged by the fourth respondent, could not pass this kind of transfer order under the threat that he may approach the Court.

8.Though notice was issued to the fourth respondent and it was received by him and his name is printed in the cause list, he has not appeared before this Court either through his counsel or in person.

9.Considering the above said facts, this Court is of the view that if the petitioner submits a representation to be re-transferred to District Educational Office at Kanyakumari District, the same shall be considered by the second respondent and orders may be passed within a period of 12 weeks from the date



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of receipt of a copy of this order.

10. With the above said observations, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Internet : Yes/No
NCC: : Yes/No
msa

To

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R.VIJAYAKUMAR, J.

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