



W.P.No.601 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P.No.601 of 2025
and WMP.No.737 of 2025

S.Sarala

... Petitioner

Vs

1. The District Educational Officer (Elementary)
Thiruvallur District, Thiruvallur.
2. M.Mohana
The District Educational Officer (Elementary)
Thiruvallur District, Thiruvallur.
3. The Block Educational Officer (Elementary)
Odhappai,
Poondi Block
Thiruvallur District.
4. H.Ani Perticiya Porkodi
The Block Educational Officer (Elementary)
Poondi Block,
Thiruvallur District.
5. The Head Mistress,
Panchayat Union Middle School,
Odhappai,



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Thiruvallur District.

6. R.Nirmala
The Head Mistress,
Panchayat Union Middle School
Odhappai, Poondi Block
Thiruvallur District.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the entire records pertaining to the impugned order passed by the District Educational Officer (Elementary), Thiruvallur District, Thiruvallur the 1st respondent herein vide his proceedings in Na.Ka.No.2436/A3/2024 dated 02.01.2025 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the first respondent herein to permit the petitioner to continue her service in the same station.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mrs.S.Mythreye Chandru
Spl. Government Pleader for R1 to R3

Notice served for R4 – No appearance

Notice not ready – R5 & R6



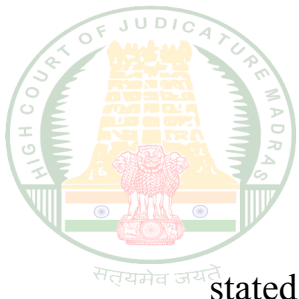
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ORDER

This writ petition has been filed for issuance of a writ of certiorarified mandamus to call for the entire records pertaining to the impugned order passed by the District Educational Officer (Elementary), Thiruvallur District, Thiruvallur the 1st respondent herein vide his proceedings in Na.Ka.No.2436/A3/2024 dated 02.01.2025 and to quash and to direct the first respondent to permit the petitioner to continue her service in the same station.

2. In the affidavit filed in support of the writ petition, the petitioner had contended that she had been initially appointed as Secondary Grade Teacher on 17.06.1981 in Gummidipoondi Block and later transferred to Poondi Block on 08.07.1992. She was then promoted as Elementary School Head Mistress on 25.07.2005. She was further promoted to B.T.Assistant (Tamil) on 12.10.2009. She was earlier working at Monnavedu and transferred to Odhappai on 01.06.2017. It had been

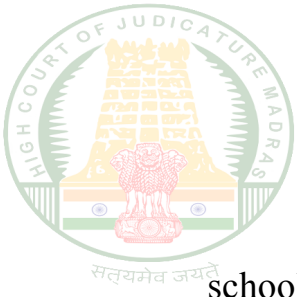


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stated that she had made several representations to the officials like the Commissioner of Municipality, Inspector of Police and Superintendent of Police raising various issues. She had further stated that she had raised issues against officials/teachers of her school who according to her committed irregularities like condoning late coming to school by the students and permitting the students to copy during the examination and such other incidents which according to her are issues over which she had a right to raise. She had also given a representation on 28.02.2023. It had also been stated that her representation was not received in its proper light particularly by the Head Mistress.

3. The petitioner further stated that on 01.06.2023 the 6th respondent had joined the school as Head Mistress. According to the petitioner, she had raised several grievances over the manner in which the 6th respondent discharged duties and in this connection, she had given a complaint to the 1st respondent on 12.01.2024. It had been further stated that during the general counselling on 12.07.2024, the petitioner was given an option to be transferred to yet another school/Municipal



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school, though she was assured that State seniority would be followed, she declined to accept such transfer. The petitioner however raised further grievances against the Head Mistress and others who were discharging duties in the school by sending a representation on 07.08.2024 to the Hon'ble Chief Minister's Cell. Thereafter, a notice was issued by the third respondent on 14.08.2024 calling for explanation from the petitioner. In this connection, it must be stated that the petitioner had also been placed under suspension and questioning that particular order, the petitioner had filed W.P.No.26736 of 2024 and a learned single Judge of this Court by order dated 10.09.2024 had granted an order of interim stay. It is informed that subsequently the order of suspension had been revoked and the respondents had been permitted to proceed further with the enquiry against the petitioner.

4. It is contended that though charges have been framed and notices were issued to the petitioner to participate in the enquiry, the petitioner did not participate in the enquiry. According to the learned counsel, the petitioner is a Whistle Blower and instead of taking action



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on the complaints raised by her, action had been initiated against her and the learned counsel therefore stated that the entire proceedings of the respondents are malafide in nature.

5. A counter affidavit had been filed on behalf of the respondents, wherein it had been stated that the District Educational Officer (Elementary) Thiruvallur had conducted a general counselling on 12.07.2024. Though the petitioner had participated, she had not opted for any place of posting. The petitioner had sent a letter in this regard on the very same day i.e., on 12.07.2024. Thereafter, the Block Educational Officer, Poondi had sent a letter to the District Educational Officer (Elementary) Thiruvallur, stating that the complaints raised by the petitioner were unreal and not true and that the petitioner was threatening the teachers who were working in the school and also the students. It is also contended that the petitioner was not obeying the rules and regulations and also the Head Mistress of the school and that her activities affected the day to day administration of the school and also affected the functioning of the school.



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6. In this connection, the Block Educational Officer, Poondi by communication dated 21.08.2024 in Na.Ka.No.8050/A1/2024 to the District Educational Officer (Elementary), Thiruvallur had sought necessary action to be initiated against the petitioner. Thereafter, the District Educational Officer (Elementary) had conducted an enquiry on 22.08.2024. The petitioner is bound by the rules and regulations under which she had been appointed. She must realise that she receives salary from and out of the public money. Naturally when receiving salary from and out of the public money paid by the public and generated from the public, a certain amount of decorum is required to be maintained by every public servant. She may find certain irregularities committed by her superior officers but there is a procedure by which she had to regulate her own conduct which is more paramount important. One aspect of exhibition of good conduct is when there are allegations raised against her and when an enquiry is conducted, if she is interested in her career, she should participate in the same and question and challenge the nature of allegations raised against her. Merely taking a decision not to



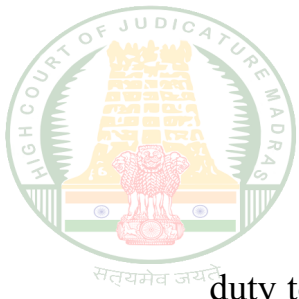
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participate and later complaining about the nature of the order passed during the enquiry process would not work to her advantage. That is exactly what had happened in the present case.

7. The petitioner had been initially placed under suspension but the respondents had taken a decision to revoke the suspension order. Naturally when further disciplinary proceedings were initiated, the petitioner should have participated. She should have raised all the issues during the disciplinary proceedings. She could have questioned as to why the disciplinary proceedings had been initiated against her when she had given a representation against the Headmistress of the school. She could have projected her point of view during the enquiry proceedings. But she had taken a conscious decision not to participate. She has to fall on her own decision. A punishment had been imposed as against her. It is contended that she had preferred an appeal against such punishment.

8. The respondents, in order to maintain proper administration, have every authority to transfer any individual. The order of transfer and



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duty to abide by such order of transfer is inbuilt in the service condition.

Appreciating her experience and her credentials, the petitioner had been granted promotions in her career. Naturally, if she is transferred it would only imply that the students of that transferee school require her assistance and they require her experience and they require her guidance during their tenure in the school. The petitioner could have viewed the transfer in that particular light and gone over to that transferee school and provided quality education to the students in that particular school. But unfortunately, even though the transferee school is just 8 ½ k.m. away from the school where she is working and she will not be put to any financial difficulty, since it is contended on behalf of the respondents that City Compensatory Allowance would also be paid to her, the stand of the petitioner that she would never abide by the transfer order cannot be appreciated by this Court.

9. In the typed set of documents filed by her she had enclosed among other documents, a xerox copy of the proceedings of the Block Educational Officer in Na.Ka.No.8050/A1/2024 dated 14.08.2024.



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Original records have been produced for perusal of this Court. This particular document runs into three pages. The petitioner had been able to obtain a xerox copy of the documents. Just as every averment in the affidavit is affirmed in the juret that they are true, such averment would also apply to every document filed in support of the averment made in the affidavit. But in page No.3 with respect to Sl.No.20, the original would reflect about seven lines written by the petitioner in her own hand writing which have not been enclosed and brought to the notice of this Court or more importantly not brought to the notice to her own counsel and filed as a document before this Court. This requires an explanation from the petitioner. It is thus seen that the petitioner appears to move heaven and earth in order to get an order from the Court by producing documents which are not authentic and which evidently differ from the original. Let me not say any further on this particular aspect.

10. Even in the counter affidavit the respondents have asserted that they have right to transfer an employee on administrative grounds to ensure that there is smooth functioning of the schools and there is no



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interference with the administration. Be that as it may, the respondents have not targeted the petitioner alone. The Head Mistress who had very recently joined only on 01.06.2023 had also been transferred by proceedings in Na.Ka.No.2436/A3/2024 dated 02.01.2025 on the very same date as the petitioner had been transferred.

11. It is hoped that there would be peace in the Panchayat Union Middle School Odhappai, Poondi Block, Tiruvallur district owing to the transfer of the petitioner and also the Head Mistress. It is hoped that the petitioner would devote her duty for the purpose for which she had been initially appointed namely to teach the students and when she is expected to teach the students she is called upon to teach not only the subjects in which she is proficient or claims to be proficient but also fundamental ethics and the code of conduct to be maintained by the students. She would hardly be setting a good example if she were to raise allegations and claim that those allegations must be enquired and ignore her job of teaching students. I am not inclined to interfere with the order of transfer.



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12. The writ petition stands dismissed. No costs. Consequently,
connected miscellaneous petition is also closed.

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Index: Yes/No

Speaking order / Non speaking order



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C.V.KARTHIKEYAN, J.

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