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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 09-07-2025

PRNOUNCED ON: 28-07-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 4847 of 2024

1. D.Prabaharan,
S/o.A.Durairaj, No. 2/401a,
Mettutheru, Kolumam, Tiruppur
District -642 204.

Petitioner(s)

Vs

1. The Chief Educational Officer,
Chief Education Office,
Door No. 514, 5th Floor,
Tiruppur Collectorate,
Tiruppur -641 604.

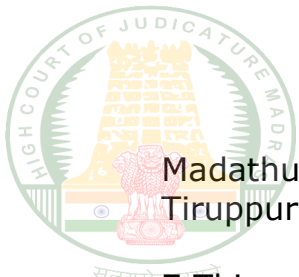
2.The District Educational Officer,
District Collector's Office,
6th Floor, Tiruppur Collectorate,
Tiruppur -641 604.

3.The Head Master,
Government Higher Secondary
School, Kuppampalayam,
Tiruppur District -642 204.

4.Thiru.S. Thangavelu,
S/o. Sadadyappan,
Vellaiyamman Kovil Theru,
Pappankulam, Tiruppur - 642 204.

5.Thiru. K.Ayyappan,
S/o. Karuppusamy,
9th Ward, Mettutheru,
Kolumam, Tiruppur -642 204.

6.Thirumathi.A. Kaviya,
D/o. K.Ayyappan,
Chairman-Madathuklam, 9th Ward,
Mettutheru, Kolumam,



Madathukulam,
Tiruppur District - 624 004.

7.Thiru. K. Ragupathi,
S/o Govindaraj,
Panchayat President,
5th Ward, Mettu Theru,
Kolumam,
Madathukulam, Tiruppur -642 204.

8.The Head Master,
Municipal High School,
K.V.R.Nagar,
Tiruppur District -641 604.

Respondent(s)

PRAYER

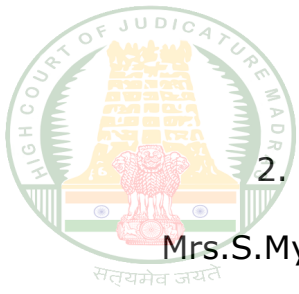
Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the orders dated 24.02.2023 passed by 1st Respondent in his proceedings Na.Ka.No.2144/A1/2023, transferring the petitioner on deputation to the K.V.R.Nagar Higher Secondary School, Tiruppur and the revised order dated 20.12.2023 in Na.Ka.No.9820/A1/2023, again sending the petitioner on deputation to Government high School at Thungavi, w.e.f. 21.12.2023 and the relieving orders dated 27.02.2023 in Na. Ka.168/2022-23 passed by the 3rd Respondent and in Palli Aluvalaga Na.Ka.No.7/2023-24 dt. 19.01.2024 passed by the 8th Respondent quash the same and for a direction to the respondents to restore and retain the petitioner in the Government Higher Secondary School, Kuppampalayam.

For Petitioner(s): Mr.R.Krishnasamy

For Respondent(s): Mrs.S.Mythereya Chandru
Spl Gp R1 To R3

ORDER

The instant writ petition has been filed to quash the Deputation order of the petitioner deputing to work at K.V.R.Nagar Higher Secondary School, Tiruppur and again to the Government high School at Thungavi.

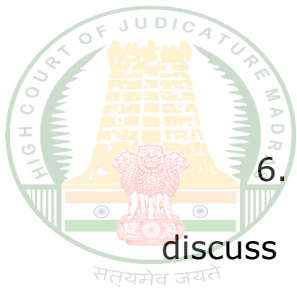


2. Heard Mr.R.Krishnasamy, learned counsel for the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for the respondents 1 to 3.

3. It is the contention of the petitioner that his father belongs to Dravida Munnetra Kazhagam and he is also holding the post of District SC/ST Deputy Organizer. It is the contention of the petitioner that, to wreck the vengeance, the respondents have shunted him from one place to another place. The learned counsel would further submit that the impugned orders are arbitrary and violative of Article 14 of the Constitution of India and apart from that, the same is as a measure of punishment. It is the further contention of the petitioner that the impugned order was issued with political consideration at the instance of the respondents 5 to 7. Hence, prayed to allow this writ petition.

4. Per contra, the learned Special Government Pleader would contend that in order to maintain effective follow up in the School Lab and to give better academic experience to the students, the petitioner was transferred from the Government Higher Secondary School, Kuppampalayam to K.V.R.Nagar Higher Secondary School and thereafter, to the Government High School, Thungavi and the order has been passed due to the administrative exigencies. Therefore, there are no ground to interfere with the said order.

5. I have given my anxious consideration to either side submissions.



6. Before we delve into the merits of the matter, it is appropriate to discuss the legal position. In

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Bose (Mrs) v. State of Bihar, reported in **1991 Supp (2)**

SCC 659, the Hon'ble Supreme Court has held that the Court should not interfere with the transfer orders which are made in public interest and for administrative reasons, unless the transfer orders are made in violation of any mandatory statutory Rule or on the ground of *mala fide*. Similarly, in **Uni** reported in **(1993) 4**

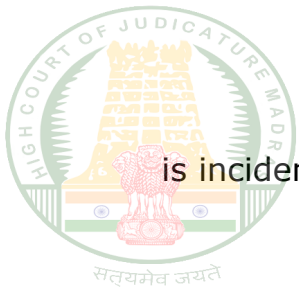
SCC 357, the Hon'ble Supreme Court, while reiterating the ratio of **Shilp**

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Bose's case [cited supra], has further held that if any representation with respect to the transfer is received from the employee, the authority is bound to consider the same having regard to the exigencies of administration. Similarly, in **State of Punjab v. Jogind** reported in **1993**

SCC OnLine

SC 1, the Hon'ble Supreme Court has held that the best person to decide the place of posting of an employee, is the employer. The employee cannot choose his place of posting and has further stated that the transfer



is incidence of service.

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7. From the above proposition, it is amply clear that the order of transfer is amenable to judicial review only if there is any palpable *mala fide* on the part of the authority. Here, while looking at the order, though a charge memorandum was contemporarily issued at the time when the deputation was ordered against the petitioner, that by itself cannot be the basis to arrive at a conclusion that the transfer order is in punitive nature. It is for the employer to decide where and how the service of the individual could be well utilized. In the case in hand, the respondents felt that, if the petitioner is posted at the deputed place, it would best serve the administration. When the authority had taken such decision, any interference would nothing but amount to micromanaging the administration of the authority, which should not be done by the High Court while exercising the power of judicial review. Therefore, this Court is of the firm view that there are no ground to interfere with the impugned order and the writ petition deserves to be dismissed.

8. In the result, this writ petition stands dismissed. There shall be no order as to costs.

28-07-2025

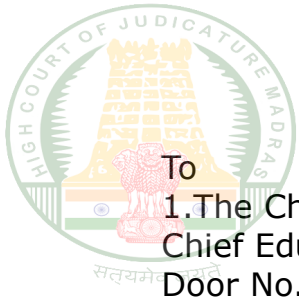
kmi

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

- 1.The Chief Educational Officer,
Chief Education Office,
Door No. 514, 5th Floor, Tiruppur
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- 2.The District Educational Officer,
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C.KUMARAPPAN J.

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