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W.P.Nos.28064 and 28067 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	30.07.2025
Pronounced on	01.08.2025

CORAM

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

W.P.Nos.28064 and 28067 of 2024

and

W.M.P.Nos.30612, 30613, 30617 and 30618 of 2024

W.P.No.28064 of 2024

T.L.Catherin Cordelia

... Petitioner

Vs.

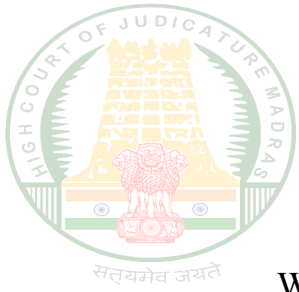
1. The Chief Educational Officer,
Tiruvallur District, Tiruvallur.

2. The District Educational Officer (Secondary),
Tiruvallur Education District,
Tiruvallur.

3. The Chairman,
Secondary Education Board,
Tamil Evangelical Lutheran Church (TELC),
Tranquobar House,
Tiruchirappalli – 620 001.

4. The Correspondent,
T.E.L.C.Kabis Higher Secondary School,
Pandur – 631 203,
Tiruvallur District.

... Respondents



W.P.Nos.28064 and 28067 of 2024

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order issued by the third respondent in No.Nil dated 03.09.2024 and to quash the same.

W.P.No.28067 of 2024

R.Anjeline Ezhilarasi

... Petitioner

Vs.

1. The Chief Educational Officer,
Presidency Girls Higher Secondary School Campus,
Egmore, Chennai – 600 008.
 2. The District Educational Officer (Secondary),
Chennai North, Sidco Nagar, Villivakkam,
Chennai – 600 049.
 3. The Chairman,
Secondary Education Board,
Tamil Evangelical Lutheran Church (TELC),
Tranquobar House,
Tiruchirappalli – 620 001.
 4. The Correspondent,
T.E.L.C. Magdalene Girls Higher Secondary School,
25, Murugappa Street,
Purasawakkam, Chennai – 600 007.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order issued by the third respondent in No.Nil dated 03.09.2024 and to quash the same.



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For Petitioner
in both W.Ps

: Mr.G.Sankaran,
Senior Counsel
Mr.S.Nedunchezhiyan

For Respondents
in both W.Ps.

: Mrs.S.Mythreye Chandru,
Special Government Pleader
(for R1 & R2)
Ms.V.Sudha
for Mr.B.Rabu Manohar
(for R3 & R4)

COMMON ORDER

Both the Writ Petitions arise against the same impugned order, by and in which the petitioner in W.P. No. 28064 of 2024 and W.P.No.28067 of 2024 were transferred between T.E.L.C. Kabis Higher Secondary School, Pandur, Tiruvallur District, and T.E.L.C. Magdaline Girls Higher Secondary School, Chennai.

2. The learned Senior Counsel appearing for the petitioners would contend that the petitioner in W.P. No. 28064 of 2024 was appointed as a Secondary Grade Teacher, and the petitioner in W.P. No. 28067 of 2024 was appointed as a BT Assistant in the fourth respondent School. Subsequently, these petitioners were promoted as PG Assistants and have been working in



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the fourth respondent School. The grievance of both the petitioners is that their children are studying in the 12th Standard, and that the transfer during the middle of their children's academic year would seriously prejudice their education. It is the further submission of the learned Senior Counsel that though there were many senior other teaching staff have been serving, these petitioners were singled out and have been transferred through the impugned order. He would further submit that such transfer would seriously prejudice the educational prospects of their children and also amount to a punitive transfer. Hence, prayed to interfere with the impugned order.

3. The said contention was objected by the learned counsel for the contending third and fourth respondents, and would contend that the transfer is an incidence of service, and the petitioners' schools are minority institutions, and that the transfer order was passed on administrative grounds. It is the further submission of the learned counsel for the third and fourth respondents that these petitioners have been working for more than 14 years in the present place of posting. She would also submit that at the length of time their grievance that their children are facing public examinations and the transfer in the middle of the academic year would affect their education



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lost its significance, as the present Writ Petitions are of the year 2024.

Hence, she prayed to dismiss these Writ Petitions.

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

5. Before we delve into the merits of the matter, it is appropriate to discuss the legal position regarding transfer. In ***Shilpi Bose (Mrs) v. State of Bihar***, reported in ***1991 Supp (2) SCC 659***, the Hon'ble Supreme Court of India has held that the Court should not interfere with transfer orders as long as the same is not tainted with *mala fide*. Similarly, in ***Union of India v. S.L. Abbas***, reported in ***(1993) 4 SCC 357***, the Hon'ble Supreme Court of India, while reiterating the ratio of ***Shilpi 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. Joginder Singh Dhatt***, reported in ***1993 SCC OnLine SC 1***, the Hon'ble Supreme Court of India has held that the best person to decide the place of posting of an employee is the employer.

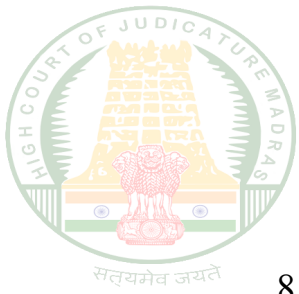


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6. From the above proposition, it is amply clear that the order of transfer is amenable to judicial review only if there is any palpable *mala fide* on the part of the authority. Here, though it was contended that the petitioners were singled out, from the contention raised by the learned counsel for the third and fourth respondents, it is seen that the petitioners have been in their present posting for a period of more than 14 years, and this is their first transfer in their total service.

7. It is a well-settled principle of law that an employee is not at his discretion to choose his place of posting. While considering the submission of the learned Senior Counsel, the main grievance is regarding their children's educational prospects, no doubt, the same is also a ground to consider the transfer request. But it should be done by the authority and not by the Court. If the Court starts interfering with transfers, it would not augur well for better administration, and apart from that, it is not advisable for the Writ Court to do the micromanagement for educational institutions.



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8. Therefore, this Court absolutely does not find any ground to interfere with the transfer order. If the petitioners still have any grievances to be addressed, they are at liberty to give a representation to the respondents, within a period of two weeks from the date of receipt of a copy of this order. If such representation is received, the respondents are directed to consider the same, within a period of four weeks thereafter.

9. In the result, these Writ Petitions are dismissed with the above directions. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

01.08.2025

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Index : Yes/No

Speaking order

Neutral Citation : Yes/No

To

1. The Chief Educational Officer,
Tiruvallur District,
Tiruvallur.
2. The District Educational Officer (Secondary),
Tiruvallur Education District,
Tiruvallur.



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3. The Chairman,
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C.KUMARAPPAN, J.

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Pre-Delivery order in
W.P.Nos.28064 and 28067 of 2024

01.08.2025