

W.P.(MD)No.3115 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD) No.3115 of 2025

and

W.M.P.(MD) Nos.2180 and 2181 of 2025

S.Muthumani

... Petitioner

Vs.

- 1.The Director,
School Education Department,
17, College Road,
Nungampakkam,
Chennai.
- 2.The Commissioner,
Madurai Corporation,
Madurai.
- 3.The Education Officer (In charge),
Madurai Corporation,
Arigar Anna Maligai,
Thallagulam,
Madurai 625 002.
- 4.The Chief Education Officer,
Chief Education Office,
Thallagulam,
Madurai 625 002.



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5.The Headmaster,
E.V.R. Nagammaiyar Girls Higher Secondary School,
South Car Street,
Madurai 1.

6.G.Mary Caroline
(R6 has been impleaded vide order
dated 05.03.2025)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to impugned proceedings in Na.Ka.No.000536/O1/2025 dated 27.1.2025 on the file of the 2nd respondent and quash the same as illegal and arbitrary and consequently direct the respondents to allow the petitioner to continue as Graduate Teacher in the 5th respondent school within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthi

For R1 & R4 : Mr.T.Amjad Khan
Government Advocate

For R2, R3 & R5 : Mr.S.Vinayak

For R6 : Mr.Arunkumar

ORDER

Heard Mr.A.D.Ganeshamoorthi, learned counsel for the petitioner,
Mr.T.Amjad Khan, learned Government Advocate for the respondents 1 and 4,



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Mr.S.Vinayak, learned counsel for the respondents 2, 3 and 5 and

Mr.Arunkumar, learned counsel for the sixth respondent.

2. This writ petition has been filed against against the order dated 27.01.2025 issued by the second respondent transferring the petitioner from the fifth respondent school.

3. The facts of the case are as herein under:-

The petitioner is working as Teacher since 1999 in the schools of Madurai Corporation. At present, she is working as a Graduate Teacher in the fifth respondent school since 2014. On perusal of the averments made in the affidavit filed along with the writ petition, it appears that there is some disturbance between the petitioner and the Headmistress of the fifth respondent school. It reached the stage to make complaints against each other to the Higher Authorities. It appears that finally it reached to the notice of the second respondent, who is the Commissioner of Madurai Municipal Corporation. Vide impugned order dated 27.01.2025, the second respondent transferred the petitioner from the fifth respondent school to Elango Corporation Higher Secondary School, Madurai in the interest of the students and management.



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4. The learned Standing Counsel appearing for the respondents 2, 3 and 5, on instructions, would submit that the sixth respondent, namely, G.Mary Caroline, who is working as Headmistress of the fifth respondent School, was also transferred on the same day ie., on 27.01.2025 to some other school. Aggrieved by the order dated 27.01.2025 issued by the second respondent in transferring the petitioner from the fifth respondent school to some other school, the present writ petition is filed.

5. The main ground raised by the learned counsel for the petitioner is that the second respondent has no authority to issue the transfer order, which is impugned in the present writ petition. The learned counsel for the petitioner submits that the third respondent is only the competent authority to pass orders transferring the Teachers working in the schools situated in Madurai Corporation.

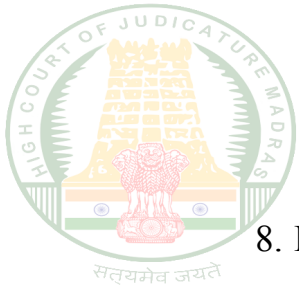
6. On the other hand, the learned Standing Counsel appearing for the Madurai Corporation has placed reliance on the G.O.Ms.No.131, Education Department, dated 01.02.1991 and would submit that the second respondent



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being the Commissioner, Madurai Municipal Corporation, is the competent authority to pass the impugned order. On perusal of the Government Order *stated supra*, it appears that the Government of Tamil Nadu, vide the said Government Order, has clearly stated that the Commissioner or Officer empowered by the Corporation of Madras, Madurai and Coimbatore shall administer and maintain the schools and fill up the posts and effect transfers within the Corporation area. Now it is clear that the second respondent, who is the Commissioner, Madurai Municipal Corporation, is the competent authority to effect transfer of Teachers within the Corporation area and is entitled to pass the impugned order. Accordingly, there is no illegality or infirmity in passing the impugned order by the second respondent.

7. Admittedly, the petitioner is working in the fifth respondent school for the last 10 years. As such, she cannot expect to work in the same school further. Continuation of the teachers in the same schools like this years together is the root cause for the disputes among the teachers working in that schools. Hence, it is desirable to effect the transfer every three years to the teachers from one school to some other school.



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8. For the reasons stated above, this Writ Petition is dismissed. No costs.

WEB CON Consequently, connected Miscellaneous Petitions are closed.

NCC :yes/no
Index :yes/no
Internet :yes/no

05.03.2025

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To

1.The Director,
School Education Department,
17, College Road,
Nungampakkam,
Chennai.

2.The Chief Education Officer,
Chief Education Office,
Thallagulam,
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BATTU DEVANAND, J.

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