



W.P.(MD)No.15759 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

W.P.(MD)No. 15759 of 2025

and

W.M.P.(MD)Nos.11953 and 11955 of 2025

K.Kaliammal,
D/o.Kaliappan,
65, Kaliamman Koil Street,
Sivakasi,
Virudhunagar District.

Petitioner

Vs

- 1.The Director,
Department of Welfare for Differently Abled Persons,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai – 600 005.
- 2.The Headmaster,
Government Higher Secondary School for hearing impaired,
Virudhunagar District.
- 3.The Headmaster,
Government Higher Secondary School for hearing impaired,
Thanjavur – 1.
- 4.Angapparaja,
Government Higher Secondary School for hearing impaired,
Thanjavur – 1.



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5. The Commissioner,
Department of Welfare for Differently Abled Persons,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai – 600 005.

Respondents

(R-5 is impleaded vide order dated 11.06.2025 in W.P.(MD)No.15759 of 2025)

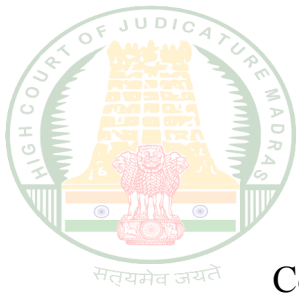
Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent through his proceeding No.Se.Mu.Aa.No.9106462/CipaNir1/2025 dated 04.06.2025 and to quash the same and consequently directing the first respondent to pass order to retain the petitioner in the second respondent School as Secondary Grade Teacher.

For Petitioner : Mr.G.Sailendrababu

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

1. As prayed for by the learned counsel for the Petitioner, this Court directs the Petitioner to implead the Commissioner for Welfare of the Differently Abled Persons, No.5, Kamarajar Salai, Lady Wellington

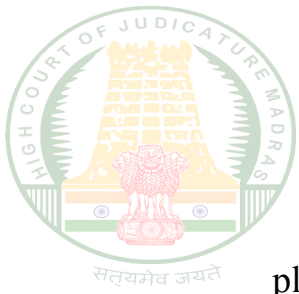


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College Campus, Chennai – 600 005, as the 5th Respondent in this Writ Petition.

2. This Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, challenging the impugned order passed by the first respondent through his proceeding No.Se.Mu.Aa.No.9106462/CipaNir1/2025 dated 04.06.2025 and consequently directing the first respondent to pass order to retain the petitioner in the second respondent School as Secondary Grade Teacher.
3. Mr.G.Sailendrababu, learned counsel for the Petitioner, submits that the Petitioner challenges the transfer order dated 04.06.2025, whereby she has been transferred from Government High School for the Hearing Impaired, Virudhunagar, to Government High School for the Hearing Impaired, Thanjavur, passed by the Commissioner for Welfare of the Differently Abled Persons on administrative grounds. He further submits that the transfer order was passed arbitrarily and with malafide intention, solely to accommodate the 4th Respondent in



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place of the Petitioner. He also submits that the Respondents failed to follow the Government Order in G.O.(1D) No.258, Department of School Education (S.E.5(1)), dated 06.07.2016. Therefore, the transfer order is flawed, and he prays this Court to quash the impugned transfer order dated 04.06.2025 and allow the Writ Petition.

4. Per contra, Mr.M.Siddharthan, learned Additional Government Pleader for official Respondents, submits that the impugned transfer order was rightly passed. He also submits that the petitioner lacks the authority to challenge the transfer order as it was issued on administrative grounds, specifically to meet the requirements of schools under the Department of Welfare of Differently Abled Persons. He further submits that the writ petition lacks averments that the transfer order was passed arbitrarily, with malafide intention, or without jurisdiction. In the absence of such averments, the transfer order cannot be questioned or interfered with by the Court under Article 226 of the Constitution of India. He further submits that transfer orders are a routine process of the Government and a matter

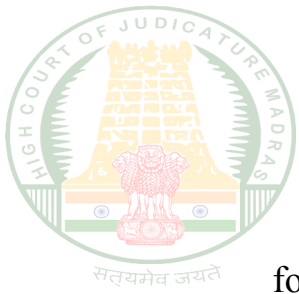


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of State policy. Mr.Siddharthan further submits that, taking into account the petitioner's 34 years of service in the same place, the transfer order dated 04.06.2025 is justified as part of routine administrative process. Thus, he contends that the petitioner has not made out a case warranting interference with the transfer order, and consequently, the writ petition deserves to be dismissed.

5. The learned counsel for the petitioner submits that the petitioner has made a representation dated 05.06.2025 to the Commissioner for Welfare of Differently Abled Persons, raising several grounds. The counsel prays that this Court may direct the Respondent authorities to consider the said representation sympathetically. A copy of the representation is annexed at Page 59 of the paper book.
6. After considering the submissions made by the learned counsel for the Petitioner and the learned Additional Government Pleader for Respondents, and after perusing the impugned transfer order dated 04.06.2025, which was passed on administrative grounds and issued to schools requiring teachers working in Government Special Schools



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for the Hearing Impaired functioning under the Department of Welfare of the Differently Abled, this Court finds that there is no averment made in the Writ Petition that the impugned transfer order was passed arbitrarily and with malafide intention by the 5th respondent and is without jurisdiction and further this Court observes that the Petitioner is staying at her place of posting for the last 34 years. Considering all these aspects, this Court is not inclined to entertain the challenge to the impugned transfer order dated 04.06.2025. However, it is observed that the Petitioner has already given a representation dated 05.06.2025 to the Commissioner, State Commissionerate for Welfare of the Differently Abled Persons, Lady Wellington College Campus, Chennai – 600 005/Respondent No.5 before approaching this Court.

7. This Court directs the 5th Respondent to decide the representation of the Petitioner dated 05.06.2025 and pass a reasoned and speaking order on merits and in accordance with law, within a period of ten days from the date of receipt of a copy of this order. The Petitioner is directed to submit the copy of this order along with the copy of the



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representation dated 05.06.2025 before the 5th Respondent within four days without fail. The 5th Respondent shall communicate the order to the Petitioner through Registered Post with Acknowledgement Due (RPAD).

8. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.06.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Nsr



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SHAMIM AHMED, J.

Nsr

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