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W.A.(MD) No.2450 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.(MD) No.2450 of 2025
and
C.M.P.(MD) No.14167 of 2025**

G.Rajeshwari

... Appellant

-VS-

- 1.The State of Tamil Nadu
rep.by its Principal Secretary
to Government
School Education Department
St.George Fort, Chennai
- 2.The Director of School Education
O/o.The Director of School Education
DPI Campus, College Road
Nungambakkam, Chennai
- 3.The Joint Director of School
Education (Higher Secondary)
O/o.The Joint Director of School
Education (Higher Secondary)
DPI Campus, College Road
Nungambakkam, Chennai



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4.The Chief Educational Officer
O/o.The Chief Educational Officer
Madurai District, Madurai

5.Aruljothi

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 04.07.2025, passed in W.P.(MD) No.18306 of 2025, on the file of this Court.

For Appellant : Mr.M.Mohamed Zamil
for M/s.Ajmal Associates

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 to R4

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

This intra court appeal is directed against the order of the learned Single Judge, dated 04.07.2025, passed in W.P.(MD) No.18306 of 2025.

2. The writ petitioner is the appellant in this writ appeal. The writ petition has been instituted challenging the order of transfer issued by the



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Joint Director of School Education (Higher Secondary) *vide* proceedings dated 02.07.2025, transferring the appellant from Thiru Nagar, Madurai District to Thailapuram, Virudhunagar District, which is an adjacent District. The Writ Court considered the case of the appellant and granted liberty to submit a fresh representation to the competent authority to reconsider the transfer order. Being not satisfied with the said order, the present intra court appeal came to be instituted.

3. Learned counsel for the appellant would submit that the transfer order is punitive in nature and it has been issued based on the complaints received. Punitive transfers are impermissible and therefore, the writ order is liable to be set aside

4. Learned Additional Government Pleader appearing for the respondents 1 to 4 opposed the above submissions of the learned counsel for the appellant by stating that based on frequent complaints, the appellant was transferred to the nearby district in the interest of the students studying in the school. When the Education Department received frequent complaints against the appellant, who was holding the post of Headmistress, she was



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transferred to the nearby district on administrative grounds. Thus, this writ appeal is liable to be rejected.

5. The governing principles for administrative transfers are that:

- (i) Transfer is an incidental to service and a condition of service.
- (ii) Administrative transfers cannot be interfered with by the courts, which all are made for the better administration of the Government Departments.
- (iii) Court cannot run the routine affairs of the administration in the matters like transfer.
- (iv) Transfer *per se* would not provide a cause for institution of writ proceedings. An order of transfer can be challenged on limited grounds ie., *mala fide* or without jurisdiction.
- (v) An employee can be transferred based on the complaints in lieu of disciplinary proceedings. The competent authority is the best person to decide these issues, and the power of judicial review for



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interfering with the order of administrative transfers are undoubtedly limited.

6. Interference of the High Court in routine administrative matters would cause prejudice to the interest of effective administration. This exactly is the reason why the constitutional courts have time and again reiterated that writ petitions against the transfer cannot be entertained by the High Court in a routine manner.

7. Place or post can never be a choice of an employee. An employee is expected to work wherever he / she is posted in the interest of public and in the present case, in the interest of the students studying in school.

8. The teachers and headmasters in the Education Department are getting decent salary from the taxpayers money. Despite the same, they enjoy more number of holidays over and above the holidays declared for the employees of the other Departments. When the teaching post is a noble profession and the future of the children is in the hands of these teachers,



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they are expected to perform their duties in a dedicated manner and mere transfer would not affect the conditions of service. More so, in the present case, the appellant was transferred to a nearby district and the distance between Thirumangalam and Thilapuram is about 50 Kilometers, as per the submission of the learned counsel for the appellant.

9. In view of the facts and circumstances of the case on hand, this Court is of the considered view that the appellant has not established even a semblance of legal right for the purpose of entertaining the present appeal.

10. Accordingly, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[G.A.M., J.]

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NCC : Yes / No

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