



W.P.(MD) No.27171 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
03.11.2025	12.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.27171 of 2025

and W.M.P.(MD) Nos.21106 & 21109 of 2025

P.Sornagandhi

... Petitioner

-VS-

- 1.The Joint Director of Elementary Education,
DPI Campus,
College Road, Chennai.
- 2.The District Collector,
Sivagangai District,
Sivagangai.
- 3.The Chief Educational Officer,
Chief Educational Office,
Sivagangai District.
- 4.The District Elementary Educational Officer,
District Elementary Educational Office,
Sivagangai District.



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5.The Block Educational Officer,
Block Educational Office,
Manamadurai Union,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records relating to the impugned transfer order issued by the first respondent by his proceedings vide Na.Ka.No.759790/D2/2025 dated 08.05.2025 and consequential relieving order issued by the fifth respondent by his proceedings vide Na.Ka.No.232/A1/2025 dated 08.07.2025 and to quash the same and render justice.

For Petitioner : Mr.N.Dilip Kumar
for Mr.S.Vishnuvardhan

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for challenging the impugned transfer order issued by the first respondent by his proceedings vide Na.Ka.No. 759790/D2/2025 dated 08.05.2025 and consequential relieving order issued by the fifth respondent by his proceedings vide Na.Ka.No.232/A1/2025 dated 08.07.2025.



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2) Heard Mr. N.Dillipkumar, learned counsel appearing for the petitioner and Mr.N.Satheeshkumar, learned Additional Government Pleader appearing on behalf of the respondents.

3) The learned counsel for the petitioner submits that the petitioner was appointed as a B.T. Assistant in the year 2008. She initially joined service on 02.01.2009 at the Middle School, Sennappankottai, Dharmapuri District, and was subsequently transferred to Yagapuram, Trichy District, on 10.08.2010. Thereafter, she was transferred to Keelpidavoor, Sivagangai District, on 26.07.2024. He submits that in the said school at Keelpidavoor, the petitioner is the sole staff member handling classes for Standards I to VIII, in addition to discharging the duties of the Headmistress. He further submits that, in view of the heavy workload, the petitioner addressed a representation to respondents 4 and 5 seeking additional staff. Based on her request, three persons were deputed, but they failed to attend to their classes properly.

4) He further submits that respondents 4 and 5 failed to take any action



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against the said deputed persons and, acting in collusion, failed to discharge their statutory duties under the Tamil Nadu Educational Rules. He submits that, under such circumstances, respondents 4 and 5 developed malafide intention against the petitioner and, with a preconceived notion, issued a show cause notice dated 17.02.2025. He further submits that, in the meantime, the 4th respondent passed a deputation order transferring the petitioner to Muthuvanthidal, Thirupuvanam, Sivagangai District. He states that although the show cause notice granted seven days' time to submit her explanation, the 4th respondent proceeded to pass a suspension order on 21.02.2025. The said suspension order was challenged by the petitioner in W.P.(MD) No.6304 of 2025, in which this Hon'ble Court granted an order of stay on 10.03.2025.

5) He further submits that while the above writ petition was still pending, the first respondent issued a punitive transfer order on 08.05.2025 transferring the petitioner to M.V. Pattinam, Thiruvadanai Block, Ramanathapuram District. After a lapse of two months, the 5th respondent issued a consequential relieving order on 08.07.2025 from her present place of posting. He submits that both the transfer



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order and the relieving order were passed in violation of the principles of natural justice, without affording an opportunity of hearing to the petitioner. He further submits that the impugned orders are contrary to the order of this Hon'ble Court dated 10.03.2025. He also contends that the impugned orders are against the ratio laid down by the Hon'ble Supreme Court in *Somesh Tiwari v. Union of India*, reported in **(2009) 2 SCC 592**. Hence, he prays for the indulgence of this Court in setting aside the impugned orders.

6) Countering the arguments advanced by the learned counsel for the petitioner, the learned Additional Government Pleader submits that the petitioner has suppressed material facts and misled this Court. He submits that the earlier writ petition in W.P.(MD) No.6304 of 2025 pertains to a completely different issue and has no connection with the present writ petition. He further submits that while the petitioner was serving at Keelpidavoor, Sivagangai District, serious complaints were received from parents and village residents on 04.02.2025, alleging that the petitioner instigated caste-based discrimination among students and parents and frequently picked quarrels with her colleagues. He submits that



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the said incident was widely reported in the press on 05.02.2025, leading to unrest in the locality.

7) He further submits that, pursuant to these complaints, the fifth respondent was directed to conduct an enquiry. During the enquiry, the petitioner allegedly misbehaved with the fifth respondent, exhibiting gross indiscipline. He submits that the enquiry report clearly established the truth of the complaints and that continuation of the petitioner in the same school would likely lead to law and order issues and caste tension in the village. Therefore, the fifth respondent recommended transferring the petitioner on administrative grounds. Based on this recommendation, the first respondent transferred the petitioner to M.V. Pattinam, Thiruvadanai Block, Ramanathapuram District, on 08.05.2025. He further submits that since the petitioner failed to join at the transferred place, the fifth respondent issued a consequential relieving order on 08.07.2025. He submits that both the orders are purely administrative measures passed in the larger public interest, based on multiple complaints from parents and villagers, as well as the BEO's enquiry report. He further submits that the petitioner has misled this



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Hon'ble Court by suppressing her misconduct and misbehaviour during service and during the enquiry proceedings.

8) He submits that the transfer order was made in the usual course on administrative grounds and does not amount to a punitive transfer. He further submits that even after the transfer, instead of joining duty, the petitioner has been taking medical leave. In support of his submissions, he relies on the judgment of the Hon'ble Supreme Court in *State of U.P. v. Gobardhan Lal, (2004) 11 SCC 402*, wherein it was held that no government servant can claim a right to continue in a particular place or post for as long as he desires. He further submits that the petitioner had earlier filed W.P.(MD) No.19877 of 2025 challenging the very same transfer order, but subsequently withdrew the said writ petition. Hence, he contends that the present writ petition, which once again challenges the same transfer order, amounts to an abuse of the process of law. Accordingly, he prays for dismissal of the writ petition as devoid of merits.

9)I have considered the submission of the respective counsels for both



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parties and perused the materials available on record.

10) Challenge in the Writ Petition is an order of transfer made against the petitioner on administrative grounds. It is the claim of the petitioner that the transfer had been made on punitive grounds. On the other hand, it is the claim of the respondents that the petitioner had instigated caste based discrimination among the students which had led to complaint against her, for which the petitioner had also been visited with a charge memo. The transfer had been made on administrative grounds to maintain tranquility in the school. It is the further case that the petitioner was originally suspended in February 2025 against whom the enquiry proceedings was initiated and the petitioner had also not co-operated with the enquiry of the Headmaster incharge.

11) It is to be noted that the transfer is an incidence of service. A transfer can be made of an employee on administrative grounds/ exigencies which can also include the manner in which the employee conducts himself. In the present case, the transfer had been made on the allegations that the petitioner had



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indulged herself in caste discrimination that too among the students, and the said conduct of the petitioner cannot be dealt with lightly. The claim that the transfer is punitive in nature, is only the misconception as the transfer had not been made as a punishment against the petitioner. Only since there are allegations against the petitioner, the petitioner had been visited with the impugned order of transfer. There is no prohibition that there can be no transfer made on the allegations of complaint against the employee.

12) With the afore said reasons, I do not find any merits in the Writ Petition and accordingly the same stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

12.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Gba



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K.KUMARESH BABU, J.

Gba

PRE-DELIVERY ORDER

IN

W.P.(MD) No.27171 of 2025

and

W.M.P.(MD) Nos.21106 & 21109 of 2025

12.12.2025