

W.P.(MD) No.7868 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
10.07.2026	03.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

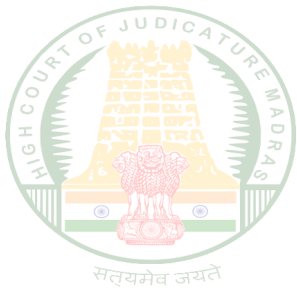
W.P.(MD) No.7868 of 2026
and
W.M.P.(MD) No.6455 of 2026

S.Beniskar

... Petitioner

-VS-

- 1.The State of Tamil Nadu
rep.by its Secretary
Department of School Education
Fort St.George, Chennai-600 009
- 2.The Director of Elementary Education
DPI Complex, College Road
Chennai-600 006
- 3.The Joint Director of Elementary
Education (Admin)
DPI Complex, College Road
Chennai-600 006
- 4.The Chief Educational Officer
Thoothukudi, Thoothukudi District



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5.The District Educational Officer (Elementary)
Thoothukudi, Thoothukudi District-628 501

6.The Block Educational Officer-I (i/c)
Sathankulam Union
Thoothukudi District-628 704

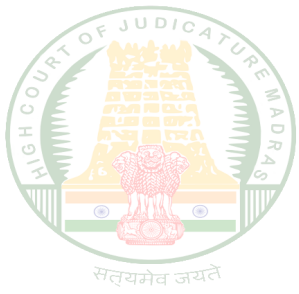
7.S.Rameswaran
[Cause Title amended vide Court
order dated 10.07.2026 in W.M.P.
(MD) No.7971 of 2026]

... 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 order passed by the third respondent Joint Director in Na.Ka.No.004478/11/2025 dated 10.03.2026 and the consequential orders passed by the fifth respondent DEO in Na.Ka.No.1065/A1/2026 dated 14.03.2026 and the sixth respondent BEO in Na.Ka.No.682/A6/2026 dated 14.03.2026 quash the same enabling the petitioner to continue to serve as Block Educational Officer-I in Sathankulam Union.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.M.Dinesh Hari Sudarsan
Counsel for Govt. of Tamil Nadu for R1 to R6
Mr.A.Arun Prasad for R7



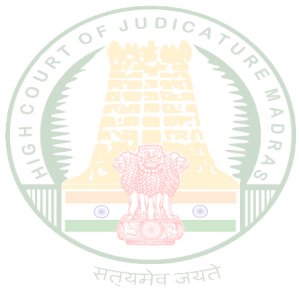
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ORDER

This writ petition has been filed seeking a writ of certiorari to call for the records in connection with the proceedings bearing Na.Ka.No. 004478/11/2025, dated 10.03.2026, issued by the third respondent and the consequential proceedings bearing Na.Ka.No.1065/A1/2026, dated 14.03.2026, issued by the fifth respondent and the proceedings bearing Na.Ka.No.682/A6/2026, dated 14.03.2026, issued by the sixth respondent and to quash the same so as to enable the petitioner to continue as Block Educational Officer-I in Sathankulam Union.

2. The case of the petitioner is that he was selected by the Teachers Recruitment Board as Block Educational Officer in the year 2022 and was initially posted as Block Educational Officer at Alwarthirunagari Union, Thoothukudi District, on 16.03.2022 and thereafter, he was required to participate in the general transfer counselling that took place on 16.05.2025 and accordingly, he participated in the said transfer counselling and was transferred to Sathankulam Union *vide* proceedings bearing Na.Ka.No.004634/11/2025, dated 16.05.2025, issued by the third respondent. While the petitioner was working as Block Educational Officer in

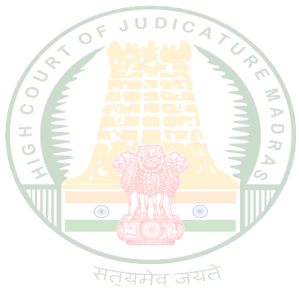


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Sathankulam Union, the proceedings dated 10.03.2026 came to be issued by the third respondent, transferring the petitioner from Sathankulam Union to Ottapidaram Union, Kovilpatti Educational District and accordingly, the respondents 5 and 6 issued the consequential proceedings dated 14.03.2026.

3. Aggrieved by the said transfer proceedings, the petitioner has approached this Court by filing the present writ petition contending that the impugned transfer order has been issued contrary to the policy decision of effecting transfers only by conducting a regular transfer counselling once in a year and also contending that the impugned transfer order has been issued due to *mala fide* reasons at the instance of the seventh respondent herein, who is stated to have made a complaint against the petitioner on the ground of violation of civil rights. It is also further contended that the petitioner herein has issued two memos dated 05.01.2026 and 12.01.2026 against the seventh respondent herein, who has been serving as Assistant under the control of the petitioner, in connection with dereliction of duty and the seventh respondent, keeping that in mind, falsely made an allegation of violation of civil rights against the petitioner herein and only at the instance of the seventh respondent and to safeguard the seventh respondent, the impugned transfer order has been issued. It is also further contended that there was an enquiry

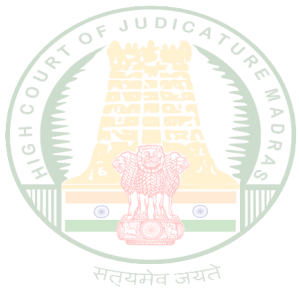


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conducted in connection with the complaint made by the seventh respondent and a show cause notice was also issued to the petitioner and he has submitted his explanation in response to the said show cause notice. According to the petitioner, instead of taking the said proceedings to a logical end, the official respondents have resorted to transfer the petitioner from Sathankulam Union to Ottapidaram Union as a measure of punishment, but, not on administrative grounds as is being claimed.

4. In response to the notice issued by this Court, the fifth respondent filed a counter-affidavit and additional counter-affidavit, on behalf of the other official respondents also, contending that the impugned transfer is only on administrative grounds and there is no *mala fide* reason. Insofar as the allegation made by the petitioner against the seventh respondent is concerned, the official respondents have stated that the enquiry in connection with the allegation of civil rights was conducted for submitting a report to the National Commission for Scheduled Castes by the fourth respondent and the said issue is pending before the National Commission for Scheduled Castes and the same has nothing to do with the impugned transfer order issued by the third respondent. It is also further stated that another complaint was received against the petitioner complaining that the petitioner has sent an

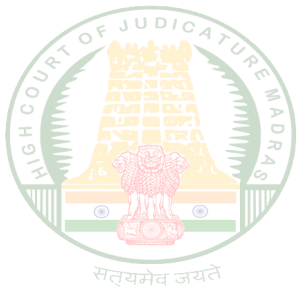


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inappropriate whatsapp message to a lady teacher and upon examination of the said complaint, the materials and the records produced during the enquiry, the allegations made against the petitioner herein were found to be substantiated and a report bearing Na.Ka.No.3796/A1/2025, dated 24.02.2026, was submitted to the competent authority. Accordingly, the fifth respondent herein issued a show cause notice to the petitioner on 11.02.2026 basing on various allegations made against him and the petitioner has submitted his explanation to the said show cause notice on 19.02.2026 and the said disciplinary proceedings initiated pursuant to the said show cause notice are pending and it is only in order to avoid the petitioner influencing the said enquiry proceedings and the concerned lady teacher and to ensure a fair and impartial enquiry, maintain a congenial working hemisphere, the petitioner was transferred through the impugned proceedings in the interests of administration.

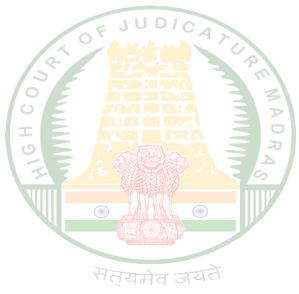
5. Heard Mr.K.Ragatheesh Kumar, learned counsel representing M/s.Isaac Chambers, for the petitioner; Mr.M.Dinesh Hari Sudarsan, learned counsel for the Government of Tamil Nadu appearing for the respondents 1 to 6 and Mr.A.Arun Prasad, learned counsel appearing for the seventh respondent.



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6. Learned counsel for the petitioner contended that the impugned transfer order has been issued for *mala fide* reasons at the instance of the seventh respondent, as the petitioner has issued two memos to the seventh respondent and an explanation was called for from him. He also further contended that the impugned transfer is made in the middle of the academic year and during a non-transferable period and also within a short span of one year from the date of posting of the petitioner at Sathankulam Union. He also further submitted that the entire allegations, that are made against him by a lady teacher, are all false and the petitioner has already submitted an explanation in response to the show cause notice issued to him in connection with the said allegations. He further contends that the official respondents, in stead of taking the said proceedings, that were initiated against the petitioner herein, to a logical end after affording an opportunity to the petitioner, have issued the impugned transfer order transferring the petitioner from Sathankulam Union to Ottapidaram Union and therefore, the impugned transfer is to be treated as punitive in nature. Thus, it is contended that the petitioner is said to have been condemned unheard in the guise of the impugned transfer order. In support of the said contention, he also placed reliance on a decision of the learned Division Bench of the Principal Seat of

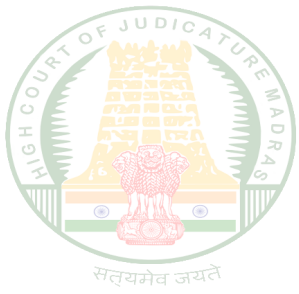


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this Court in ***P.Karunakaran vs. Union of India and others***, reported in **2013 SCC OnLine Mad 3958** and an Order dated 12.01.2017, passed by the learned Division Bench of the Principal Seat of this Court in **W.P.Nos.42783 & 42784 of 2016**, in *G.Prasad vs. The Divisional Railway Manager, Southern Railway and others*.

7. On the other hand, Mr.M.Dinesh Hari Sudarsan, learned counsel for the Government of Tamil Nadu appearing for the respondents 1 to 6, contended that there are serious allegations against the petitioner of sending an inappropriate whatsapp message to a lady teacher working under his supervision in a school situated nearer to his office and he also used to go to the said school often for having lunch, thereby causing annoyance to the said lady teacher and therefore, a preliminary enquiry was conducted and the petitioner was also issued with a show cause notice and the official respondents are contemplating to initiate disciplinary proceedings against the petitioner. As disciplinary proceedings are contemplated against the petitioner, if the petitioner herein is permitted to continue in the Block Educational Office at Sathankulam Union, there is every possibility of the petitioner tampering with the records or influencing the witnesses relating to the enquiry in question and therefore, the official respondents thought it fit to



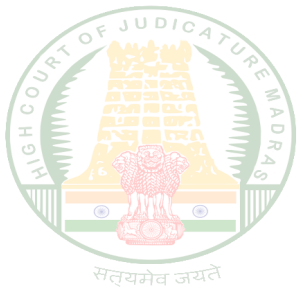
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keep the petitioner away from the Block Educational Office, Sathankulam Union, and accordingly, he was transferred to Ottapidaram Union, on administrative grounds. He also further contended that the entire allegations made by the petitioner stating that the impugned transfer order has been issued at the instance of the seventh respondent are totally false and the enquiry that was conducted in connection with the complaint of the seventh respondent is only for the purpose of submitting a report to the National Commission for Scheduled Castes. Thus, he contends that the impugned transfer order has been issued purely on administrative grounds to keep the petitioner away from the Block Educational Office, Sathankulam Union.

8. This Court has carefully considered the submissions made on either side and also perused the entire materials available on record.

9. No doubt, the impugned transfer order has been issued not in the process of regular transfer. It is also not in dispute that the petitioner was posted in the present place of posting i.e., Sathankulam Union only on 16.05.2025 and even before he completing one year of service in Sathankulam Union, he is now sought to be transferred. This Court having taken note of the same and after perusing the original counter-affidavit filed by the official

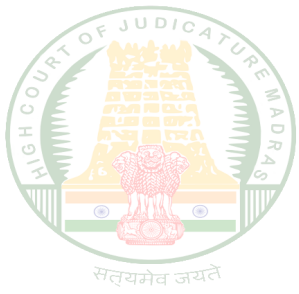


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respondents, which does not disclose the exact administrative ground for transferring the petitioner, *vide* order dated 09.04.2026, granted interim stay of operation of the impugned transfer order and further directed the official respondents to file additional counter-affidavit disclosing the exact administrative ground on which the petitioner is sought to be transferred.

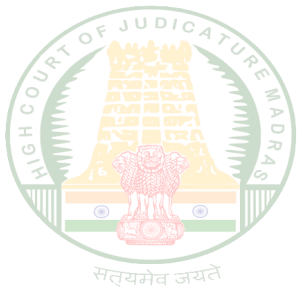
10. Accordingly, the official respondents have filed additional counter-affidavit. A perusal of the additional counter-affidavit filed by the official respondents, especially Paragraph No.6, would disclose that there are serious allegations made against the petitioner and an explanation was also called for from the petitioner on the allegations made against him and the petitioner has also submitted an explanation. It is also further evident that the official respondents are intending to initiate disciplinary proceedings against the petitioner on the allegations made against him. It is only, while contemplating to initiate disciplinary proceedings on the allegations made by a lady teacher, including the allegation of sending inappropriate whatsapp message to the lady teacher, the third respondent has passed the impugned transfer order. It is only to avoid the interference of the petitioner as the Block Educational Officer, Sathankulam Union, in the course of the said enquiry, the petitioner is stated to have been transferred *vide* proceedings dated



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10.03.2026 by the third respondent. It is not in dispute that a show cause notice was issued to the petitioner on the said allegations and the enquiry is admittedly pending. If that be the case, this Court is unable to see as to how the transfer of the petitioner can be said to be punitive in nature. If the petitioner is permitted to continue in the present place of posting, there is every possibility of the petitioner either tampering with the records or influencing the witnesses relating to the enquiry in question, especially, in the context of the fact that the said allegations levelled against the petitioner are by his subordinate official. Therefore, this Court does not see any reason not to accept the contention of the official respondents stating that the impugned transfer order has been issued on administrative grounds. As allegations have been made against the petitioner, he cannot claim to continue in the very same place, especially when disciplinary proceedings are contemplated against him.

11. Insofar as the decisions relied upon by the learned counsel for the petitioner are concerned, they are the cases, where decisions are rendered basing upon the facts of those particular cases and the same do not lay down any law and each case has to be decided on it's own facts.



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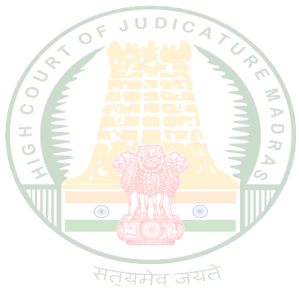
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12. In the light of the above discussion, this Court does not find any reason to come to a conclusion that the impugned transfer is punitive in nature or to hold that the same has been issued for *mala fide* reasons. It is not in dispute that the impugned transfer order has been issued by a competent authority.

13. It is also settled law that transfer is an incident of service and in the absence of any alteration or modification of the service conditions, transfer cannot be termed as punitive in nature.

14. No doubt, the petitioner is disturbed even before completing one year of service at Sathankulam Union, in the considered view of this Court, the facts of the case on hand do warrant transfer of the petitioner notwithstanding the fact that it is being effected within a short span of time.

15. In the light of the above, this Court does not find any reason to interfere with the impugned transfer proceedings.



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16. Accordingly, this writ petition is dismissed. Interim order granted by this Court on 09.04.2026 is hereby vacated. No costs. Consequently, connected miscellaneous petition is closed.

.....08.2026

NCC : Yes / No

Index : Yes / No

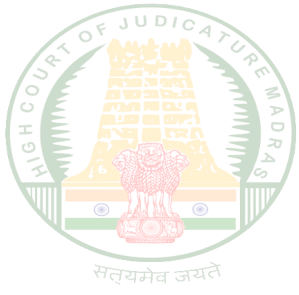
Internet : Yes / No

Speaking / Non-Speaking Order

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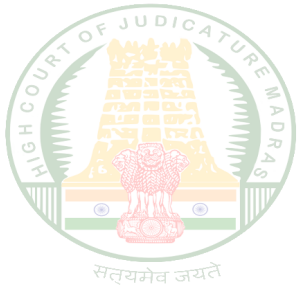
- 1.The Secretary,
Department of School Education,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Director of Elementary Education,
DPI Complex, College Road, Chennai-600 006.
- 3.The Joint Director of Elementary
Education (Admin),
DPI Complex, College Road,
Chennai-600 006.
- 4.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.



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- 5.The District Educational Officer (Elementary),
Thoothukudi, Thoothukudi District-628 501.
- 6.The Block Educational Officer-I (i/c),
Sathankulam Union,
Thoothukudi District-628 704.



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MUMMINENI SUDHEER KUMAR, J.

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ORDER
IN
W.P.(MD) No.7868 of 2026
and
W.M.P.(MD) No.6455 of 2026

03.08.2026