

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2015

CORAM

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

W.P. No. 34607 of 2014

&

M.P. No. 1 of 2014

E. Kuily

..Petitioner

Vs.

1. The Director,
Collegiate Education,
College Road, Chennai - 600 006.

2. The Principal,
Loganatha Narayanasamy Government
College (Autonomous),
Ponneri - 601 204,
Tiruvallur District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records of the 1st respondent in Na.Ka.No.40081/P1/2014, dated 02.12.2014 and also the consequent proceedings of the 2nd respondent in Na.Ka.No. 1270/A/2014-18, dated 03.12.2014 and quash the same as arbitrary, illegal and also in violation of principles of natural justice.

For Petitioner :: Mr.V. Lakshminarayanan for
Mr.R.Munuswamy

For Respondents:: Mr.P. Sanjay Gandhi,
Addl. Govt. Pleader

O R D E R

The petitioner is working as a Physical Education Teacher. She was initially appointed on temporary basis and thereafter, her services were regularised with effect from 28.06.2012. While the petitioner was working as Physical Education Teacher in Loganatha Narayanasamy Government College, Ponneri, she was transferred to Government Arts College, Tiruvannamalai, by order dated 02.12.2014. The said order is challenged in this writ petition on multiple grounds.

2. This Court granted an interim order on 23.12.2014 directing the parties to maintain status quo.

3. When this writ petition came up for consideration on 22.01.2015, I had directed the learned Government Pleader to take instructions as to whether it will be possible to retain the

petitioner at Ponneri till the end of this academic year, subject to the petitioner giving an undertaking to join at the transferred place immediately thereafter. The learned Government Pleader was also directed to take instructions as to whether the post has been filled up at Ponneri as well as Tiruvannamalai, subsequently.

4. Today, when the writ petition is taken up, learned Government Pleader, on instructions, submitted that in view of the order of status quo dated 23.12.2014, the respondents have not taken any action to fill up the post in question. The learned Government Pleader vehemently argued that transfer is an incident of service and as such, the petitioner has no justifiable right to challenge the impugned order of transfer.

5. Eventhough the petitioner was transferred to Tiruvannamalai, by order dated 02.12.2014, the fact remains that nobody was appointed in the vacancy at Ponneri, subsequent to her transfer. The petitioner now wanted the 1st respondent to give her time till 1st May, 2015, to join, in view of the education of her children.

6. In view of the fact that the 1st respondent has not taken any steps to fill up the post of Physical Education Teacher at Ponneri as well as at Tiruvannamalai, after the order of transfer and in view of the order of status quo dated 23.12.2014, passed by this Court, I am of the view that the petitioner should be permitted to work at Ponneri till 1st May, 2015.

7. The petitioner has also given an affidavit of undertaking stating that she would join at the transferred place on 2nd May, 2015.

8. The petitioner is permitted to work as Physical Education Teacher at Loganatha Narayanasamy Government College, Ponneri, till 1st May, 2015 subject to the condition that she should join at the transferred place on 2nd May, 2015.

9. This order is passed pursuant to the undertaking given by the petitioner that she will not seek extension of time at any cost.

10. The writ petition is disposed of with the above direction. No costs. Connected M.P. Is closed.

Sd/-
Asst. Registrar(CO)

/true copy/

Sub Asst. Registrar.

To

1. The Director,
Collegiate Education,
College Road, Chennai - 600 006.
2. The Principal,
Loganatha Narayanasamy Government
College (Autonomous),
Ponneri - 601 204,
Tiruvallur District.

+ 1 CC to the Government Pleader SR NO 4395
+1cc to Mr. ,Advocate SR.No.4458
SV(CO)
ka 30/01

W.P. No. 34607 of 2014



WEB COPY