



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.19234 of 2015

and

M.P. (MD) .Nos.1 to 3 of 2015

Dr.G.Natarajan, M.D.,
Head of Department &
Professor of Forensic Medicine,
Madurai Medical College, Madurai.
Vs.

... Petitioner

1. The Secretary to Government,
Health and Family Welfare (A1) Department,
Fort St. George, Chennai 600 009.

2. The Director of Medical Education,
Kilpauk, Chennai 600 010.

3. The Dean, Madurai Medical College, Madurai 625 020.

4. Dr.Revathy, Dean,
Madurai Medical College,
Madurai 625 020.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the impugned order issued by the first respondent vide G.O.(D).No.1248, Health and Family Welfare (A1) Department, dated 06.10.2015 and the consequential order issued by the third respondent in Ref.No.10090/E1/1/2015 dated 06.10.2015 and quash the same as illegal.

For Petitioner	: Mr.C.Arul Vadivel @ Sekar
For R1 to R3	: Mr.K.Chellapandian, Additional Advocate General assisted by Mr.R.Anandharaj Government Advocate
For R4	: Mr.S.Alagarsamy

O R D E R

The Writ Petition has been filed by the petitioner challenging the impugned order dated 06.10.2015 passed by the Dean, Madurai Medical College, Madurai, the third respondent



herein, transferring the petitioner from Madurai Medical College, Madurai to the Government Medical College, Vellore as Professor of Forensic Medicine, on the ground that within 14 days from the order passed by this Court quashing the charge memo and earlier transfer order. The third respondent ought not to have passed the impugned order which shows that the petitioner has been victimised by the third respondent, who had a personal grudge and animosity against the petitioner. Adding further, in the light of the fact that the two writ petitions filed by the petitioner against the third respondent are still pending disposal before this Court, the third respondent ought not to have taken so much of interest for issuing the impugned order of transfer.

2. In reply, the learned Government Advocate appearing for the respondents submitted that the petitioner has completed 9 years of service in the present Madurai Medical College, Madurai. During his service in the Madurai Medical College, a charge memo was issued against him alleging various allegations. The same was the subject-matter of writ petition and this Court finding fault with the vagueness of the charges, quashed the same. This Court, while dealing with all the three writ petitions, challenging the charge memo, transfer order, summon issued by the District Collector, Madurai, after quashing the summon issued by the District Collector and also quashing the charge memo, disposing the third writ petition in W.P.No.9784 of 2013 relating to the transfer of the petitioner, has given liberty to the Secretary to Government to pass appropriate orders of transfer for the simple reason that he has completed 9 long years of service in Madurai Medical College. By virtue of the liberty given by this Court, the petitioner has been transferred from Madurai Medical College, Madurai to Vellore Medical College, Vellore.

3. It is well settled legal position that transfer is not only an incident of service but an essential condition of service and no Government servant or employee of public undertaking has legal right for being posted at any particular place. While such being the settled legal position, in the case on hand, the petitioner, having been worked for more than 9 years, has no locus-standi to question the impugned order transferring him from Madurai Medical College to Vellore Medical College. On this count, the writ petition fails and the same is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True copy/



1. The Secretary to Government,
Health and Family Welfare (A1) Department,
Fort St. George, Chennai 600 009.

2. The Director of Medical Education,
Kilpauk, Chennai 600 010.

3. The Dean, Madurai Medical College, Madurai 625 020.

+one cc to Mr.C.Arulvadivel @ Sekar, Advocate in SR.NO.64169
+one cc to Mr.S.Alagarsamy, Advocate in SR.NO.64050

CSL/GSV-AN/04.12.2015
3P/6C

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