

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5961 of 2017

Mrs.J.Healin Reena

... Petitioner

Vs.

1. The Secretary
Medical and Health Department,
St.George Fort,
Chennai -09.
2. The Director,
Medical and Rural Health Services,
D.M.S.Campus,
Thenampettai,
Chennai - 600 006.
3. The Director,
Director of Public Health Services,
D.M.S.Campus,
Thenampettai,
Chennai -600 006.
4. The Director,
Director of Medical Education,
Poonnamallie High Road, Kilpauk,
Chennai -10.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the respondents to consider the petitioner representation dated 27.01.2017 and transfer the petitioner from Government Thiruvarur Medical College Hospital, Thiruvarur to Primary Health Center at Pathmanabapuram or Medical College Hospital Asaripallayam or Kulithurai Government Hospital or any other place of the petitioner native Place Kanyakumari District or any nearest Primary Health Center in Kanyakumari which are nearest to petitioner.

For Petitioner : Mr.R.K.Gandhi

For Respondents : Mr.K.Dhanajeyan
Spl.Govt. Pleader

O R D E R

Writ on hand is for a mandamus to direct the respondents to consider the representation made on 27.01.2017 to transfer the writ petitioner from Government Thiruvarur Medical College Hospital, Thiruvarur to Primary Health Center at Pathmanabapuram or Medical College Hospital Asaripallayam or Kulithurai Government Hospital or any other place of the petitioner native place Kaniyakumari District or any nearest Primary Health Center in Kaniyakumari which are nearest to the petitioner.

2. The prayer as such sought for is so innocuous that the public servant who filed this writ petition seeks her posting in the place of her choice. No right can be conferred to any public servant with regard to place or post. In other words, place or post can never be claimed as a matter of right. Transfer being an incidental to service more so conditions on service, it is for the authorities competent to decide where to post an employee in a particular post or not.

3. An order of transfer can be interfered with only on exceptional circumstances wherein it was issued without jurisdiction or malafide allegations are raised. Even in such cases, a person against whom the allegation is made to be impleaded as a party respondent in the writ proceedings. In the absence of any of these grounds no writ can be entertained against the order of transfer.

4. However, the learned counsel appearing for the petitioner submitted that during the pendency of this writ petition, the writ petitioner was transferred to another place by the proceedings dated 14th April 2017.

5. May that it be.

6. Irrespective of this factor, the grounds raised in this writ petition deserves no consideration at all. Hence the writ petition stands dismissed as devoid of merits. However, no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kas

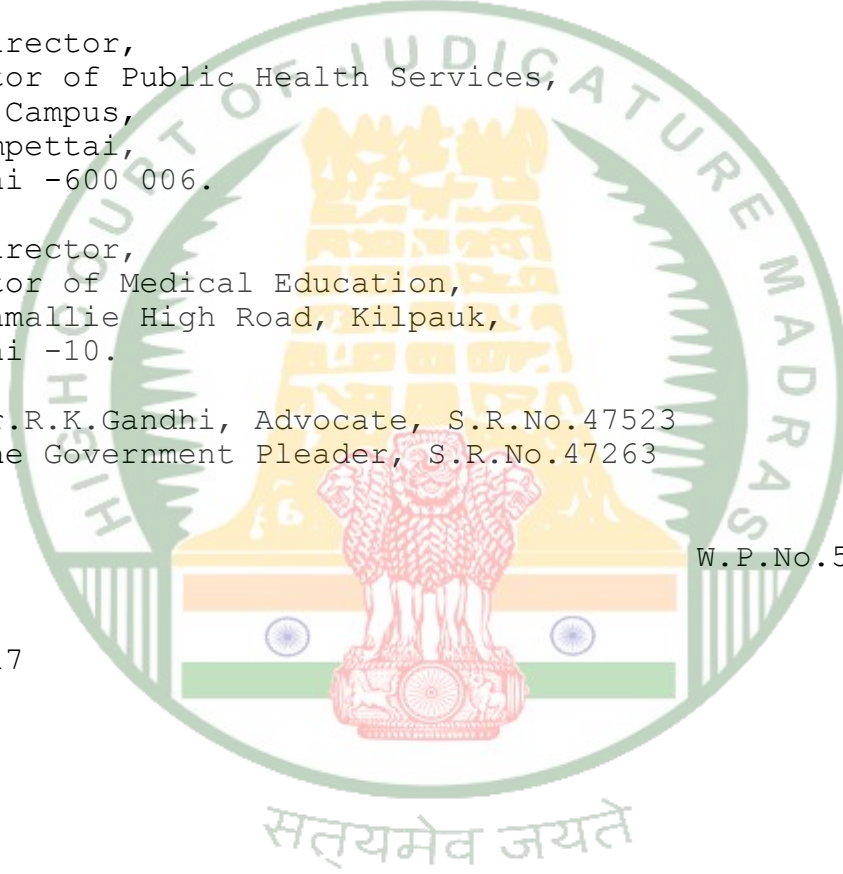
To.

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+1cc to Mr.R.K.Gandhi, Advocate, S.R.No.47523
+1cc to the Government Pleader, S.R.No.47263

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SKV(CO)
CS/24/07/17



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