

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2017

Coram

The Honourable Mr.Justice HULUVADI G.RAMESH
and
The Honourable Mr.Justice RMT.TEEKAA RAMAN

W.A.No.993 of 2017 &
C.M.P.No.13872 of 2017

S.Kamaraj

.. Appellant

versus

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

2. The Director,
Rakstriya Madhayamik Shiksha Abiyan (RMSA),
DPI Campus, College Road,
Chennai-600 006.

3. The District Collector,
Perambalur District,
Perambalur.

4. The Chief Educational Officer,
Perambalur District,
Perambalur.

5. N.P.Nallusamy

.. Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, seeking to set aside the order of the learned single Judge made in W.P.No.13822 of 2017, dated 10.07.2017.

Prayer in W.P.NO.13822 of 2017

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 1st respondent in Na. Ka. No. 22915/W1/E1/2017 dt 19.5.2017 and the subsequent proceedings issued by the 1st respondent in Na. Ka. No. 22915/W1/E1/2017 dt 24.5.2017.

For Appellant : Mr.Thirumavalavan
For Respondents : Mr.R.Prathapkumar, AGP-R1toR4

JUDGMENT

(Judgment of the Court was delivered
by HULUVADI G.RAMESH, J.)

This Writ Appeal is directed against the order of the learned single Judge made in W.P.No.13822 of 2017, dated 10.07.2017, dismissing the writ petition filed by the appellant, seeking to quash the order of transfer issued against him.

2. The appellant herein is the writ petitioner. He is aggrieved by the order of transfer dated 24.5.2017, transferring him from the post of Assistant District Programme Co-ordinator, (ADPC) Perambalur District to the post of Headmaster, Higher Secondary School, Kolakanatham. According to the appellant, the impugned order came to be issued by the first respondent at the instance of the 3rd respondent only in order to accommodate 5th respondent in his place. It is contended that the impugned order is punitive in nature since it was effected based on alleged complaint said to have been given by one Ganapathy, which is liable to be set aside as it is ex-facie illegal since no opportunity was afforded to the appellant or conducted any enquiry.

3. Per contra, according to the respondents, the Government vide G.O.Ms.No.46 School Education Department, dated 01.03.2011 had upgraded number of Middle Schools as High Schools under Rashtriya Madyamik Shiksha Abiyan (RMSA) Scheme and the appellant has been posted as Asst.District Programme Co-ordinator, Perambalur District and since the appellant had not implemented the project scheme and other related works properly, the District Collector, who is none other than the Chairman of RMSA Project, instructed the first respondent to appoint an efficient and eligible person in the place of the appellant. In pursuant to the said instructions, the appellant came to be transferred.

4. Transfer is a very important incidence of service and often the order of transfer though may appear to be innocuous, causes serious hardship to the concerned employee. It is should be noted in this connection, how best the services of an employee can be utilized must be left to the wisdom of the employer. It is to be noted that transfer of a Government servant appointed to a particular cadre of transferable post from one place to another is an incident of service. No Government servant or employee of public undertaking has legal

right for being posted at a particular place. Transfer from one place to other is necessary in public interest and efficiency in the public administration. It is not the case of the petitioner that his order of transfer is vitiated by mala fides on the part of the authority making the order. The only ground raised by the appellant is that he was transferred at the instance of the 3rd respondent/District Collector in order to accommodate 5th respondent. But according to the respondents, since the appellant had not implemented the project scheme and other related works properly, the District Collector, who is none other than the Chairman of RMSA Project, instructed the first respondent to appoint an efficient and eligible person in the place of the appellant. In such circumstances, the order of transfer issued by the authority was necessitated. Effective utilization of service of an employee is in the very core of administrative exigency. In this case, in order to implement the scheme effectively, the respondents thought it fit to place an apt person other than the appellant, which, they had rightly done. Therefore, we do not find any irregularity in the order of transfer in order to interfere with the same.

5. Accordingly, we do not find any merit in the writ appeal to entertain the same. The Writ Appeal fails and it is dismissed. No costs. Consequently, connected CMP is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

2. The Director,
Rakstriya Madhayamik Shiksha Abiyan (RMSA),
DPI Campus, College Road,
Chennai-600 006.

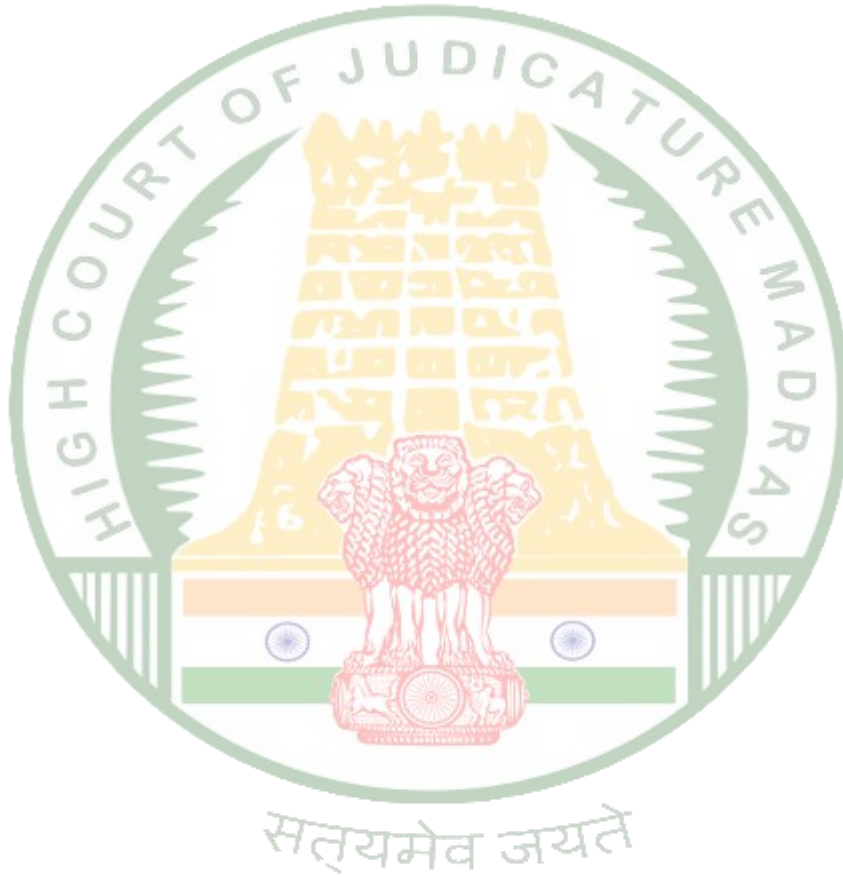
3. The District Collector,
Perambalur District,
Perambalur.

4. The Chief Educational Officer,
Perambalur District,
Perambalur.

+ 1 cc to Mr.Thirumavalavanm Advocate,SR.72992
+ 1 cc to The Additional Govt.Pleader, SR.72619

W.A.NO.993 OF 2017

MR(CO)
NR 23/11/2017



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