

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22335 of 2017

and

WMP.Nos.23419 and 23420 of 2017

A.Karunakaran

..Petitioner

Vs

1.The Secretary to Government(Education)
Cum-Chairman, Pondicherry Institute of Post Matri
Technical Education (PIPMATE)
Chief Secretariat, Government of Puducherry
Goubert Avenue, Puducherry 605 001.

2.The Member Secretary
Pondicherry Institute of Post Matric
Technical Education (PIPMATE)
Lawspet, Pudhucherry 605 008.

3.The Principal
Dr.B.R.Ambedkar Polytechnic College
Draksharama Road, Yanam 533 464.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the concerned records relating to the order No.A/2/6/3/PIPMATE/2015/A1/866 dated 09.08.2017 passed by the second respondent and quash the same and the consequently direct the respondents to post the petitioner in any of the Polytechnic Colleges in Pudhucherry.

For Petitioner : Mr.M.Gnanasekar

For Respondents : No Appearance

O R D E R

The legal principles to be applied on the facts and circumstances of this case is that the public servant has no

right to claim place or post as a matter of choice, now let us look into the facts of the case.

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner was placed under suspension, on account of certain allegation and on registration of criminal case in Crime.No.170/2015. The order of suspension issued against the petitioner on 28.04.2016 and the charge sheet in the criminal case was also filed against the writ petitioner on 22.06.2016 and 18.07.2016 in two criminal cases, one in Crime No.170/2015 and another in Crime No.171/2015. However, considering certain factors, the respondent themselves passed an order of revocation, revoking the order of suspension in proceedings dated 09.08.2017, and posted the writ petitioner at Yanam.

3. The learned counsel appearing for the writ petitioner contended that Yanam is far away from Pudhucherry and it will be difficult for the writ petitioner to appear before the criminal Court, to defend his case. Further, it is stated that the writ petitioner is not having adequate leave facilities in his account and therefore he has to be posted in any nearby place. Such a claim cannot be made out by way of the writ petition and all these posting and transfers are administrative in nature. It is the administrative prerogative of the competent authorities to post an employee in a particular place or post. Thus, the writ petitioner has no legal right to claim the place or post as a matter of choice and he was posted to Yanam on revocation of the order of suspension. Revocation of an order of suspension during the pendency of the criminal case itself is a concession shown by the respondents and therefore, the question of extending further concession will not arise at all. Thus, this Court is of the firm opinion that the claim made in this writ petition deserves, no further consideration at all and the writ petition is devoid of merits.

4. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are also closed.

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Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

dna

To

1. The Secretary to Government(Education)
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Technical Education (PIPMATE)
Chief Secretariat, Government of Puducherry
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+1cc to Mr.M.Gnanasekar, Advocate Sr. 22335

W.P. No.22335 of 2017

VSN(CO)
VR(11/09/2017)



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