

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.13822 of 2017
and WMP.Nos.15008 and 15009 of 2017

S.Kamaraj

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Petitioner

Versus

1. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
 2. The Director,
Rashtriya Madhyami 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,
Headmaster,
Government Higher Secondary School,
Kolakanatham,
Perambalur District.
- सत्यमेव जयते Respondents

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 dated 19.05.2017 and the subsequent proceedings issued by the 1st respondent in Na.Ka.No.22915/W1/E1/2017 dated 24.05.2017.

For Petitioner : M/s.G.Sankaran

For RR 1 to 4 : Mr.P. Sanjai Gandhi
Additional Government Pleader

ORDER

The order of transfer, transferring the petitioner from the post of Assistant District Programme Co-ordinator (ADPC) to the post of Head Master, Kolakanatham, Government Higher Secondary School is under challenge in this writ petition.

2. It is relevant to understand that the writ petitioner is transferred in the very same District, more specifically, nearby Perambalur. In spite of that, the petitioner has chosen to challenge this transfer order on the ground that it is punitive in nature and therefore, he is entitled to continue in the same post of Assistant District Programme Co-ordinator. This Court is unable to appreciate the contention raised by the writ petitioner, in view of the fact that the transfer is incidental to Government service, more so, the transfer is a service condition.

2. The Government servants have to work wherever they are posted. It is the paramount importance of a public servant to serve in any place where he is posted. In the interest of public, the transfer orders are issued on an administrative grounds even otherwise also such transfers can be challenged on restricted grounds and this Court also can entertain the writ petition under Article 226 of the Constitution of India only on an exceptional circumstances and not in a routine manner and any transfer order can be challenged if it is issued without any jurisdiction or competency or if a mala fide intention was established against the authority, who issued the transfer order. Even in such cases, an officer against whom such an allegation was raised is to be impleaded in his personal capacity in the writ proceedings and in the absence of any one of these grounds, this Court cannot interfere against the transfer orders in a routine manner.

3. In the case on hand, the writ petitioner is transferred within the same district and that too, to a nearby place and on reading of the facts, this Court is able to find out that the writ petitioner wants to stick on to the very same post and such an intention of the writ petitioner is to be certainly deprecated. Since, it is an order of transfer which is under challenge and the writ petitioner cannot claim any right over any post in Government service and he is bound to work wherever he is posted. This Court is not inclined to consider the other grounds raised.

4. The learned counsel appearing for the petitioner raised a ground that it is an order of punitive in nature and to substantiate this, this Court is unable to find out any materials. Such being the view of this Court, the writ

petition deserves no further consideration and accordingly, the writ petition stands dismissed. However, no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rka/sji

To

1. The Director of School Education,
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Chennai 600 006.
2. The Director,
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3. The District Collector,
Perambalur District,
Perambalur.
4. The Chief Educational Officer,
Perambalur District,
Perambalur.

+1cc to Mr.G.Sankaran, Advocate SR.No.47992/17
+1cc to the Government Pleader SR.No.48078

सत्यमेव जयते

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W.P.No.13822 of 2017
and
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VGI (CO)
GN(27/07/2017)