

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.07.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3658 of 2017 and
W.M.P.No.3689 of 2017

R.Chellamy

.. Petitioner

Versus

1. The Collector,
Coimbatore District,
Coimbatore.

2. The Municipal Manager / Commissioner (Incharge),
Valparai Municipality, Valparai,
Coimbatore District.

3. Niraimathi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of CERTIORARI, to call for the records relating to the order of rejection in Na.Ka.No.1288/2016/A-1 dated 07.02.2017 on the file of the 2nd respondent quash the same and pass such orders.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

The order impugned in this writ petition is an order of transfer issued by the second respondent in proceedings dated 07.02.2017.

2. The writ petitioner is working as Noon Meal Organizer in Government Higher Secondary School, Solayar Dam and transferred to Sedal Dam Panchayat Union Elementary School. The order of transfer was issued on administrative grounds.

3. This Court is of the firm view that administrative transfers are incidental to service, more-so, a condition of service. The writ petition, challenging the order of transfer, has to be entertained only on exceptional circumstances and not in routine manner.

4. An order of transfer can be challenged on the limited grounds of jurisdiction, incompetency and mala fides. Even in case of raising allegations on mala fides, the authority, against whom the allegations is raised, to be impleaded as a party to the writ petition in his personal capacity. In the absence of any of the legal grounds, no writ can be entertained, challenging the order of administrative transfers.

5. Such being the legal principle, this Court is unable to find any meaningful legal ground to be adjudicated in this writ petition, in which the administrative transfer order dated 07.02.2017 is challenged.

6. In this view of the matter, the writ petition is devoid of merits and accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Collector,
Coimbatore District, सत्यमेव जयते
Coimbatore.
2. The Municipal Manager / Commissioner (Incharge),
Valparai Municipality, Valparai,
Coimbatore District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.50325
+2cc to the Government Pleader, S.R.No.50956 & 51036

W.P.No. 3658 of 2017

NM(CO)
CS/10/08/17