

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.14578 of 2017
and
WMP.No.15801 of 2017

Smt.P.Avaiarasi

.. Petitioner

Vs

The Director of Tribal Welfare,
Chennai - 5.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records made in the impugned order in Na.Ka.No.Pa.Me/A1/2631/2017, dated 26.05.2017, served on 07.06.2017 passed by the respondent and quash the same.

For petitioner : Mr.M.V.Venkataseshan
For Respondent : Mr.T.M.Pappaiah, Spl.GP

O R D E R

By way of filing this writ petition, the petitioner seeks to quash the impugned proceedings dated 26.05.2017 of the respondent in transferring her from Salem Ekalyva Model Residential Girls Higher Secondary School to Model School, Nanjanadu, Nilgiris District.

2. Mr.T.M.Pappaiah, learned Special Government Pleader, takes notice for the respondent.

3. It is stated by the learned counsel for the petitioner that the petitioner was appointed as Science Teacher in the respondent school on a consolidated pay of Rs.10,000/- and she has been taking classes for the students studying from 6 to 10th standards as Science Teacher. Thereafter, at the instigation of Headmaster, a charge memo was issued to her on 24.07.2015. Subsequently, though she was suspended, the said suspension was revoked. It is further stated that the Enquiry Officer, who was appointed to delve into the correctness of the charges, though submitted a report, the respondent did not pass final orders on the same.

4. While so, all of a sudden, the respondent has passed the impugned transfer order transferring her from Salem to Model School, Nanjanadu, Nilgiris, and therefore, the said transfer order is illegal, arbitrary and unsustainable in law. It is further submitted that although 13 other male teachers are working in the same school, the respondent without disturbing them wrongly transferred the petitioner, therefore, he sought for quashing the impugned transfer order.

5. But, this Court is unable to agree with the above said submissions for the reasons stated below:

It is trite law that transfer is an incident of service and an employee working on a transferable post cannot claim, as a matter of right, that he/she should be retained in a particular post or at a particular place. It is the choice of the employer to determine how long the service of an employee is required in a particular post or at a particular place. The order of transfer does not affect any legal rights of the employee and the Court or Tribunal cannot interfere with an order of transfer or posting, which is made in public interest or on administrative exigency. Therefore, the present impugned transfer passed transferring her from Salem Ekalyva Model Residential Girls Higher Secondary School to Model School, Nanjanadu, Nilgiris District, on administrative grounds, cannot be questioned by her.

6. Thus, for the reasons stated, the writ petition fails and the same is dismissed as devoid of any merit. No Costs. WMP.No.15801 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm
To

The Director of Tribal Welfare,
Chennai - 5.

+1cc to Mr.M.V.Venkataseshan, Advocate, S.R.No.41461
+1cc to the Government Pleader, S.R.No.42097

W.P.No.14578 of 2017

NRJK(CO)
RS(28/06/2017)