

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14854 of 2017 &
W.M.P.Nos.16099 & 20173 of 2017

S.Ravi

[PETITIONER]

Vs

- 1 The State of Tamilnadu
by its Secretary to Government
Education Department
Fort St.George, Chennai.
- 2 The Director of Elementary Education
Directorate of Elementary Education
DPI Complex, College Road
Chennai - 600 006.
- 3 The District Elementary Education Officer
Kancheepuram District
Kancheepuram.
4. V.Rangarajan [RESPONDENTS]
(R4 impleaded as per order made in
WMP No.21453 of 2017 in W.P.14854/2017 dt 02.08.2017)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified mandamus, to call for the records pertaining to the order passed by the Second respondent in his proceedings in Na.Ka.No.009530 / I 1 /2017 dated 15.05.2017 and all related proceedings quash the same with consequential direction to the second respondent to allow the petitioner to serve as Assistant Elementary Educational Officer in the Walajabath Union.

For Petitioner : Mr.K.Jenitha

For Respondents: Mr.P.Sanjay Gandhi-R1 to R3
Addl.Government Pleader

Mr.G.Sankaran - R4

O R D E R

The order of transfer dated 15.05.2017, transferring the writ petitioner from Walajabath Union, Kancheepuram District to Jawadhu Hills, Thiruvannamalai District, is under challenge in this Writ Petition.

2.The learned counsel appearing for the writ petitioner contended that the transfer was made by way of punishment and it is contended that the writ petitioner is working in Walajabath Union, nearly about one year and further the impugned order of transfer was issued on mala fide grounds.

3.However, this Court is not in a position to consider the arguments advanced by the learned counsel for the writ petitioner, in view of the fact that though certain allegations were raised, the officials concerned have not been impleaded in their personal capacity, so as to establish the mala fide intention of any one of the officer concerned. Contrarily, a general statement is made with regard to the mala fide intention, which cannot be accepted in this Writ Petition.

4.Transfer is an incidental to service, more so, a condition of service. On a perusal of the impugned order of transfer, it seems that the writ petitioner was transferred on administrative grounds, on account of certain complaints received against him. To avoid further inconvenience to the Administration, the writ petitioner has been transferred to Tiruvannamalai. The writ petitioner working in the cadre of Assistant Elementary Educational Officer cannot plead that he cannot joint in the post in Tiruvannamalai District and it is the duty of the public servant to work wherever they are posted and place and post cannot be claimed as a matter of choice by any Public Servant. This being the legal principle in the matter of transfer, all administrative transfers are to be obeyed by the employees in letter and spirit and only on exceptional circumstances, the Court can exercise the power of judicial review in the matter of transfer issued on administrative grounds.

5.Such being the view of this Court, no further consideration is necessarily be shown in this matter. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

klt/rpa

To

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by its Secretary to Government
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Directorate of Elementary Education
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- 3 The District Elementary Education Officer
Kancheepuram District
Kancheepuram.

+1cc to Mr.K.Jenitha, Advocate SR.No.56009
+1cc to Government Pleader SR.No.56283

W.P.No.14854 of 2017

SV(CO)
GN(21/09/2017)



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