

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15374 of 2017

Thenmozhi

W/o late Rajendran

...Petitioner

-vs-

1. The Director
The Directorate of Elementary Education
College Road, Nungambakkam
Chennai 600 006
2. The District Elementary Educational Officer
O/o the District Elementary Educational Officer
Salem, Salem District
3. Mr.Sasikumar ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the order passed by the second respondent in Na.Ka.No.1678/A2/2017 dated 24.05.2017 and quash the same and direct the second respondent to issue fresh order to the petitioner for working as Secondary Grade Teacher in the place at Panchayat Union Primary School, Minnampalli, Ayothiappattinam Block, Salem District.

For Petitioner :: Mr.M.Senthil Kumar

For Respondents :: Mr.T.M.Pappiah
Special Government Pleader
for R1 & 2

ORDER

This writ petition has been filed questioning the correctness of the impugned transfer order, posting the petitioner to a distance of merely 40 Kms. The submission made by the learned counsel for the petitioner that when the petitioner is a widow, she could not be transferred from the present place, does not carry any weight. The reason is that although the petitioner is a widow and gained employment under

the priority category, it is not known how she can question the correctness of the transfer order made on administrative ground, not to a far off distance, but only to a short distance of 40 Kms. When the transfer is not only an incident of service, but also a condition of service, the petitioner, being a widow, cannot stand on a better footing to demand that she should not be transferred and she should be posted only in a particular place. In the present case, as mentioned above, she has been transferred only to a distance of merely 40 Kms. Moreover, the concept of whom should be transferred, how and where he/she should be transferred is to be considered only by the employer and not by this Court. Therefore, this Court is not able to find any merit in the writ petition. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.No.16690 of 2017 is also dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Director
Directorate of Elementary Education
College Road, Nungambakkam
Chennai 600 006
2. The District Elementary Educational Officer
O/o the District Elementary Educational Officer
Salem, Salem District

+1cc to the Government Pleader Sr.43428

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LRS (CO)
VR(06/07/2017)