

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30190 of 2013

&

M.P.Nos.1 and 2 of 2013

D.Jeyakumar Peter

.. Petitioner

vs.

1.The Secretary to the Government
Department of School Education
Secretariat, Fort St. George
Chennai -600 009

2. The District Elementary
Educational Officer
Krishnagiri District
Krishnagiri-635 001

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order made in G.O (ID) No.158 (Department of School Education (E1) dated 18.05.2012 issued by the 1st respondent and quash the same and further direct the 2nd respondent to transfer the petitioner to nearest school within 20 km within the Halakrishnapuram,Veppanappalli Union, Krishnagiri District.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.K.Thangapandi
Government Advocate for R1&R2

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O R D E R

The relief sought for in this writ petition is to call for the records in relation to the orders passed by the Government in G.O (ID) No.158, School Education Department, dated 18.05.2012 and quash the same and to direct the second respondent to transfer the petitioner to the nearest school within 20 km within the Halakrishnapuram, Veppanappalli Union, Krishnagiri District.

2. The learned counsel for the petitioner states that the writ petitioner is working as a Secondary Grade Teacher and the Government issued G.O (ID) No.158, School Education Department, dated 18.05.2012 issuing guidelines for counseling. The writ petitioner, challenging the guidelines issued in this regard, further sought for a prayer that she must be transferred to the nearest school within 20 km within the Halakrishnapuram, Veppanappalli Union, Krishnagiri District.

3. The whole idea of the writ petitioner is to secure transfer in and around the place in which she is residing. Thus, the relief sought in this writ petition is absolutely misconceived and innocuous.

4. Transfer is incidental to service. Transfer is a condition of service. A Government servant wherever posted is bound to serve for the public and in the interest of administration. Transfer can never be claimed as a matter of right. It is for the competent Authority to issue administrative transfers in order to run the administration in an effective manner. Thus, the transfer, being a incidental to service, can never be asked by way of a right.

5. In the case on hand, the writ petitioner sought for a direction to the second respondent to transfer the writ petitioner to the nearest school. Such a claim deserves no consideration at all. This Court is of the opinion that G.O (ID) No.158, School Education Department, dated 18.05.2012 is a guidelines issued for the conduct of counseling. Such a guidelines are issued for the convenience of the Competent Authority to conduct the counseling procedure uniformly and by providing equal opportunity to all the employees. Such guidelines issued cannot be set aside by this Court.

6. Under these circumstances, the writ petitioner has not made out any ground so as to consider the relief sought for. Further, transfer to a particular place or post cannot be construed as a right. Thus, the writ petitioner has failed to establish even a semblance of right so as to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Thus, the writ petition stands dismissed. No costs.
Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to the Government
Department of School Education
Secretariat, Fort St. George
Chennai -600 009
2. The District Elementary Educational Officer
Krishnagiri District
Krishnagiri-635 001

+ 1 cc to M/s. G. Pugazhenthii, Advocate SR.80566
+ 1 cc to the Government Pleader SR.80976

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GP(CO)
EU(07/12/2017)

सत्यमेव जयते

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