

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :05.10.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.2590 of 2014
and
M.P.No.1 of 2014

K.Yasotha

..Petitioner

vs

1.The Director of School Education,
College Road,
Chennai - 6.

2.The Chief Education Officer,
Namakkal District,
Namakkal.

3.The District Education Officer,
Namakkal District,
Namakkal.

4.K.Selvarasu,
Secretary,
Girls Higher Secondary School,
Vellore - 638 182,
Namakkal District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to Na.Ka.5055/A1/2013 dated 12.11.2013 signed on 20.12.2013 passed by the 2nd respondent herein and quash the same in respect of the petitioner alone in view of the facts and circumstances.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader
for R1 to R3

O R D E R

The order of rejection issued by the 2nd respondent in proceedings dated 12.11.2013 is under challenge in this writ petition.

2.The writ petitioner was working as B.T.Assistant and the Chief Education Officer has issued an order in proceedings in Na.Ka.No. 5055/A1/2013 dated 12.11.2013, transferring the writ petitioner from Girls Higher Secondary School, Velur to Bharathi Higher Secondary School, Reddipatti.

3.On a perusal of the impugned order, it is clear that the writ petitioner was transferred on account of one sanctioned post in the School at Velur, Namakkal District and the writ petitioner was treated as surplus and transferred to Reddipatti, which is also in the same District. Thus, the order of transfer is administrative in nature and the writ petitioner being a junior most teacher, was treated as surplus and transferred to Reddipatti.(which is also in the same District)

4.An Administrative transfer cannot be said to be irregular. Transfer is incidental to service, more so, a condition of service. The Government servants are liable to be transferred in accordance with the Rules by the competent authorities. An order of transfer can be challenged only on limited grounds and the transfer can be challenged, if the order was issued by an incompetent authority having no Jurisdiction or an allegation of mala fides are raised. Even in case of raising an allegation of mala fides, the authorities against whom such an allegation is raised has to be impleaded as a party respondent in the writ proceedings in his personal capacity. In the absence of any of these legal grounds, the order of transfer cannot be challenged in writ proceedings and this Court cannot exercise the power of judicial review against the order of the administrative transfer.

5.This apart, the writ petitioner has been transferred within the same District and the distance between Velur, Namakkal District and Reddipatti is also meagre and therefore, the grievances addressed in this regard by the writ petitioner cannot be accepted.

6.A Government servant, more specifically, working in departments, cannot claim the posts or place as a matter of choice and they are liable to serve wherever they are posted in the interest of public and in the interest of administration in general. Such being the consistent view taken by the Hon'ble Supreme Court of India in the matters of transfer, the present writ petition, challenging the administrative transfers cannot be entertained. In this view of the matter, no further adjudication is required on the grounds raised in this writ petition.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of School Education,
College Road,
Chennai - 6.

2.The Chief Education Officer,
Namakkal District,
Namakkal.

3.The District Education Officer,
Namakkal District,
Namakkal.

+1 cc to Govt Pleader sr 73417

+1 cc to M/s.M.Guruprasad Advocate sr 71759

W.P.No.2590 of 2014

msm(co)
aa01/11/2017

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