

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.15928 of 2017 &
WMP.Nos.17233 & 17235 of 2017

R.Geetha

...Petitioner

Vs.

1. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.
2. The Educational Officer,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.
3. The Deputy Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the impugned order of the 1st respondent issued in Na.Ka.No1675/2016/K7 dated 17.5.2017 and also the consequential proceedings issued by the 1st respondent in Na.Ka.No.1675/2016/K7 dated 19.06.2017 and QUASH the same and consequently direct the 1st respondent to permit the petitioner to continue in the Corporation Girls Higher Secondary School at Opanakara Street till the next Counselling.

For Petitioner : Mr T. Ranganathan

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

This writ petition has been filed for quashing order passed by the first respondent dated 17.5.2017 and also the consequential proceedings dated 19.06.2017 and to direct the first respondent to permit the petitioner to continue in the Corporation Girls Higher Secondary School at Opanakara Street till the next Counselling.

2.The petitioner was appointed as a Secondary Grade Teacher on 18th December, 1989, in Coimbatore City Municipal Corporation and thereafter promoted to the post of B.T. Assistant on 27th December, 2005. The petitioner states that she was further promoted to the post of Post Graduate Teacher in English and posted in the Corporation Higher Secondary School at Okiliar Colony, Coimbatore.

3.The sole grievance of the writ petitioner is that she was transferred from Corporation Girls Higher Secondary School, Aranganathapuram to Corporation Higher Secondary School, Peelamedu.

4.This Court asked the learned counsel for the petitioner regarding the distance between those two places viz. from Aranganathapuram to Peelamedu and the learned counsel also stated that the distance is about 15 kms.

5.It is painful to observe that the writ petitioner who is working in the cadre of Post Graduate Assistant is challenging the order of transfer wherein she has been transferred within the distance of 15 kms. Hence, the conduct of the writ petitioner in challenging such an order of transfer transferring her within the distance of 15 kms is deprecated.

6.The learned counsel for the writ petitioner advanced an argument by stating that the Counselling procedures were not followed before issuing the transfer order. Further, the respondents are posting the Teachers at their whims and fancies, without adhering to the Guidelines issued by the Government with regard to the transfer policy.

7.The grounds raised require outright rejection, because, on a perusal of the transfer order, it is clear that the writ petitioner was transferred on administrative grounds and in the interest of the students studying in the Higher Secondary School. Once the order of transfer was issued on administrative grounds, more specifically, in the interest of the students, it is the duty of the Teachers to go and join and perform their duties with utmost devotion, more specifically, the persons who are in Teaching profession, has to show some concern about the students, when the order of transfer itself was issued on the interest of the students.

8.Without considering all these circumstances, the writ petitioner has chosen to file this Writ Petition challenging the transfer order transferring her from Aranganathapuram to Peelamedu, within 15 Kms of radius. Transfer is incidental and a condition of service. The public servants are duty bound to accept the transfer orders and work wherever they are posted.

In case of hardships and any exceptional circumstances alone, they can challenge the order of transfer and not this kind of orders of transfer.

9. Such being the opinion of this Court, the order of transfer which is under challenge in this writ petition deserves to be confirmed and accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rpa

1. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.
2. The Educational Officer,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.
3. The Deputy Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.

+1cc to Mr.T.Ranganathan, Advocate in sr.no.46261

W P NO.15928 of 2017

SJ(CO)
NR 08/08/2017

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