

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.15950 of 2017 & W.M.P. Nos.17259 and 17260 of 2017

Dr.G.M. Nasira

Petitioner

vs.

1 The Director of Collegiate Education
D.P.I. Campus
College Road
Chennai 600 006

2 J. Backiamani

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records relating to the impugned order dated 09.06.2017 passed by the first respondent in Na.Ka.No.022171/C1/2017-2 and to quash the same.

For petitioner : Mr. C. Prabakaran

For R1 : Mr. P. Sanjay Gandhi
Addl. Govt. Pleader

ORDER

Mr. P. Sanjay Gandhi, learned Additional Government Pleader, accepts notice for the first respondent.

2 This writ petition has been preferred challenging the order dated 09.06.2017 issued by the first respondent transferring the second respondent to the Department of Computer Application, where, the petitioner has been working.

3 The main plank of contention of the petitioner is that she was appointed as Assistant Professor in the Department of Computer Application through the Teachers Recruitment Board on 24.02.2011 and the second respondent is working as Assistant/Associate Professor in the Department of Computer Science at Dharmapuri Government Arts College and in the event, the second respondent is transferred to Chikkanna Government Arts College at Tiruppur, where, the petitioner is working, she may be deprived of the benefit of holding the post of HOD, Department of Computer Application and that the transfer of the second respondent is against G.O.Ms.No.118, Higher Education

Department dated 13.06.2016. The petitioner's further stand is that if the second respondent is a teacher in the Department of Computer Application and she admittedly being a senior to the petitioner, the petitioner may not have grievance. But, since the second respondent is working in the Department of Computer Science, she cannot be brought by way of transfer to the petitioner's department, inasmuch as this may affect her promotional prospects as HOD.

4 Though the petitioner claims that the second respondent is an Assistant Professor of Computer Science working in the Department of Computer Application and hence, she cannot be brought to the Department of Computer Application, this Court is unable to find any force in the said submission for the reason that, even as per the cause title, the petitioner is also an Assistant Professor and HOD, Department of Computer Application and similarly, the second respondent also is an Assistant Professor of Computer Science working in the Department of Computer Application. When the petitioner has not filed any document or proceedings to show that the seniority of the Assistant Professor in the Department of Computer Application is different from the seniority of the Assistant Professor in the Department of Computer Science, the impugned order in and by which the second respondent has been transferred to the place where the petitioner is working, cannot be found fault with.

As a sequitur, this writ petition fails and is accordingly dismissed. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

cad

To
The Director of Collegiate Education
D.P.I. Campus
College Road
Chennai 600 006

+2cc to M/s.C.Prabakaran, Advocate in sr.no.44291
+1cc to Government Pleader in sr.no.44366

W.P. No.15950 of 2017

NR(CO)
NR 29/06/2017