

In the High Court of Judicature at Madras

Dated : 20.09.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P. Nos.5366 to 5368 of 2015

and

M.P. Nos.1,1,1 & 2 of 2015

- | | |
|------------------|--------------------------------------|
| 1. Sudaroli | ...Petitioner in W.P.No.5366 of 2015 |
| 2. Mary Peterson | ...Petitioner in W.P.No.5367 of 2015 |
| 3. S.Baskar | ...Petitioner in W.P.No.5368 of 2015 |

Vs

- | | |
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| 1. The Director of Elementary Education,
D.P.I. Complex,
College Road, Chennai-6. | |
| 2. The District Elementary Education Officer,
Thiruvallur District,
Thiruvallur. | |
| 3. The Assistant Elementary Education Officer,
Villivakkam Union Office at Ambattur,
Chennai-53. | ...Respondents 1 to 3 in all Wps |
| 4. Mrs.S.Rathna- Teacher,
Ambattur Municipal Elementary School,
Mannurpet, Chennai 600 050. | ...4 th Respondent in
W.P.No.5368 of 2015 |

Common Prayer in W.P.nos.5366 & 5367 of 2015: PETITIONS under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 19.7.2014 to transfer the petitioner to any one schools at Ambattur Municipal Limit / Villivakkam Union /Mannurpet Korattur Kallikuppam on the basis of Government order, Rules and Priority basis.

Prayer in W.P.no.5368: PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the second respondent in Na.Ka.No.

1821/A5/AA5/2014 dated 12.06.2014 and quash the same and consequentially direct the respondents to consider the representation of the petitioner dated 11.11.2014 for the post of teacher in any one of the schools at Ambattur Municipality / Villivakkam Union.

For Petitioners in all Wps : No appearance

For Respondents in all Wps : Mr.M.Perumal
Government Advocate.

C O M M O N O R D E R

The relief sought for in these writ petitions is to consider the petitioners' representations dated 19.7.14 and 11.11.2014 respectively and to transfer the petitioner in any one of the schools at Ambattur Municipal Limit / Villivakkam Union / Mannurpet Korattur Kallikuppam on the basis of the Government order.

2. This Court is of the view that the post or place can never be claimed as a matter of choice by a Government employee. It can never be claimed as a right, since, transfers are incidental to service, more so, a condition of service. This being the constant view of the constitutional Courts in the matters of transfer, the directions as such sought for in these writ petitions deserves no consideration. The writ petitioners cannot seek direction to transfer them by mentioning some place. As the prayer is so innocuous, this Court cannot consider the relief as such sought for in these writ petitions.

3. The order of transfer can be issued by a competent authority under the rules and powers of transfer is an administrative prerogative of the competent authority of the State. Courts cannot interfere in the day-to-day administration of the State or its establishment and it is for the competent authority to exercise the powers of transfer judiciously, so as to run the administration effectively.

4. Thus, the general directions sought for in these writ petitions to transfer the writ petitioners to any one of the school cannot be considered. Even representation in this regard deserves to be rejected at the outset.

5. Accordingly the writ petitions are devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Director of Elementary Education,
D.P.I. Complex,
College Road, Chennai-6.
2. The District Elementary Education Officer,
Thiruvallur District,
Thiruvallur.
3. The Assistant Elementary Education Officer,
Villivakkam Union Office at Ambattur,
Chennai-53.

+1cc to Government Pleader in sr.no.69917

W.P.Nos.5366 to 5368 of 2015

NR 13/10/2017

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