

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23941 of 2010
and
M.P.No.1 of 2010

Dr.A.Renuka ... Petitioner

-vs-

- 1.The Director of Collegiate Education,
DPI Compound, College Road,
Chennai - 600 006.
- 2.Government Arts College,
Rep. by its Principal, Salem - 7.
- 3.N.K.R.Government Arts College for Women,
Rep. by its Principal, Namakkal. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records and quash the impugned order dated 02.08.2010 Na.Ka.No.10690/D5/2010 (Ex 'A') issued by the first respondent and consequently direct the first respondent to reposting the petitioner back as Associate Professor and HOD in the Government Arts College, Salem.

For Petitioner :: M/s.Row and Reddy

For Respondents :: Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

The order of transfer issued by the first respondent in proceedings dated 02.08.2010 is under challenge in this writ petition.

2.The writ petitioner is working as Assistant Professor in Government Arts College, Salem and transferred by the first respondent in proceedings dated 02.08.2010 to Na.Ka.Ra. Government Girls Arts College, Namakkal.

3.The learned counsel appearing for the writ petitioner states that at the time of admission, this Court has granted an order of Interim stay and pursuant to the interim order granted by this Court, the writ petitioner is continuing in the same post at Salem.

4.The learned Additional Government Pleader appearing on behalf of the respondents state that the writ petitioner was transferred from Salem to Namakkal, by virtue of transfer order and she is continuing in Salem for about seven years. The learned Additional Government Pleader further states that even as per the transfer policy of the Government, the Government employee can serve at one station for a maximum period of three years and it is for the Competent Authorities to issue an administrative transfer in this regard. Thus, the merits stated in the writ petition needs no further adjudication.

5.In this view of the fact that the writ petitioner is already served in the present station at Salem for about seven years and this Court is of the view that transfer is an incidental to service, more so, a condition of service. Administrative transfer can be issued in the interest of the public administration and Competent Authorities are empowered to issue transfer in accordance with the rules. Rule 40 of the Tamil Nadu State and Service Rules also empowers the Competent Authorities to issue transfer order. However, certain guidelines are issued by the Government and it is for the Competent Authorities to consider these guidelines in accordance with the facts and circumstances.

6.However, considering the arguments advanced by both the learned counsel appearing for the petitioner as well as the respondents, this Court is of the view that the order of transfer was issued on 02.08.2010 and the writ petitioner is continuing in the same station for about seven years and no further adjudication on merits in this writ petition needs to be under taken at this length of time and it is an order of transfer and the same is administrative in nature.

7.Accordingly, the Writ Petition stands closed. However, there is no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ah
To

1.The Director of Collegiate Education,
DPI Compound, College Road,
Chennai - 600 006.

2.Government Arts College,
Rep. by its Principal, Salem - 7.

+1cc to Row & Reddy, Advocate SR.No.80283
+1cc to Government Pleader SR.No.80494

W.P.No.23941 of 2010

sm:15.12.2017



WEB COPY