

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2017

Coram

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

Writ Petition No. 25845 of 2016
and

W.P.M.P.Nos.22147, 22148 of 2016
11062 & 11063 of 2017

S.Selvi,
Vocational Instructor(Agriculture)
Govt.Higher Secondary School,
Pothanur, (now on Deputation to G.H.S.S, Aniyapuram)
1-A, Arthanari School Street,
S.P.Pudur,
Namakkal District -637 001.Petitioner

Vs.

1.The Director of School Education,
D.P.I. Compound,
College Road,
Nungambakkam,
Chennai-600 006.

2.The Joint Director of School
Education (Vocational)
D.P.I. Compound,
College Road,
Nungambakkam,
Chennai-600 006.

3.The Chief Educational Officer,
Mohenu Road,
Namakkal-637 001.
Namakkal District.

....Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 2 and 3 herein to transfer the petitioner from the post of Vocational Instructor (Agriculture) Government Higher Secondary School, Pothanur to Government Higher Secondary School Aniyapuram, Namakkal District in the existing vacancy on medical grounds as a special case by adopting the analogy in para 6 of

the G.O.(I.D.)No.232, School Education (Pa.Ka.5 (1) Department, dated 10.07.2015 within a short date that may be fixed by this Hon'ble Court.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

The relief sought for in this Writ Petition is to direct the respondents 2 and 3 herein to transfer the petitioner from the post of Vocational Instructor (Agriculture) Government Higher Secondary School, Pothanur to Government Higher Secondary School Aniyapuram, Namakkal District in the existing vacancy on medical grounds as a special case.

2.Post or place can never be claimed as matter of right or choice by the public servants. Transfer is an incidental to service more so, a condition of service. The prayer as such sought for in this Writ Petition, is so innocuous that no such direction can be issued by this Court under Article 226 of the Constitution of India. Transfer being an administrative prerogative of the Competent authority of the department, this Court cannot issue any direction to transfer the Writ Petitioner from a particular place or post.

3.The learned counsel for the Writ Petitioner strenuously contented that the writ petitioner is suffering from chronic diabetic and her case has to be considered by the Government by transferring her from Vocational Instructor (Agriculture) Government Higher Secondary School, Pothanur to Government Higher Secondary School Aniyapuram, Namakkal District in the existing vacancy on medical grounds.

4.Such a submission made by the learned counsel for the writ petitioner deserves no consideration, in view of the fact that the petitioner is seeking transfer within the District only. Intervention in administrative transfers will not only cause inconvenience to the administration, but also amounts to preventing opportunity of other employees to come over to their native places. Administrative transfer policies are implemented in the interest of the department, in order to maintain discipline and good conduct. This apart, all the Standing Orders and the Guidelines in this regard are instructions to be followed and no Standing Order prohibits the competent authority from issuing administrative transfer and posting.

5.The writ petitioner is claiming transfer to a specific post on medical grounds. It is for the authorities competent to

consider the persona grievances of the Writ Petitioner and take a decision in this regard. All administrative transfers are to be issued in the interest for the department and for effective administration. The writ petitioner being an employee of the Government Department cannot claim a particular place or post as a matter of right.

6.This Court is very much conscious that administrative transfers are allowed to be implemented in the interest of administration. It is not fair for the Courts to interfere or exercise the power of judicial review in the matter of transfers. Only on exceptional circumstances i.e. to say in the event of violation of any statutory rules, the power of judicial review can be exercised and not otherwise. Violation of certain guidelines /suggestions given in the form of circular or orders, which will not confer any legal right on the employees. In other words, the circulars and orders of the Government with regard to the guidelines issued for implementing transfers will not confer any right. Certain concessions shown in order to make the employees more accommodative and for effective functioning of the administration. Thus, it is for the competent authorities to consider all these aspects in respect of the personal grievances of the employees, while effecting transfers.

7.Thus, the writ petition and the grounds raised therein deserve no merit consideration. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

rpa

To

1.The Director of School Education,
D.P.I. Compound,
College Road,
Nungambakkam, Chennai-600 006.

2.The Joint Director of School
Education (Vocational)
D.P.I. Compound,
College Road,
Nungambakkam, Chennai-600 006.

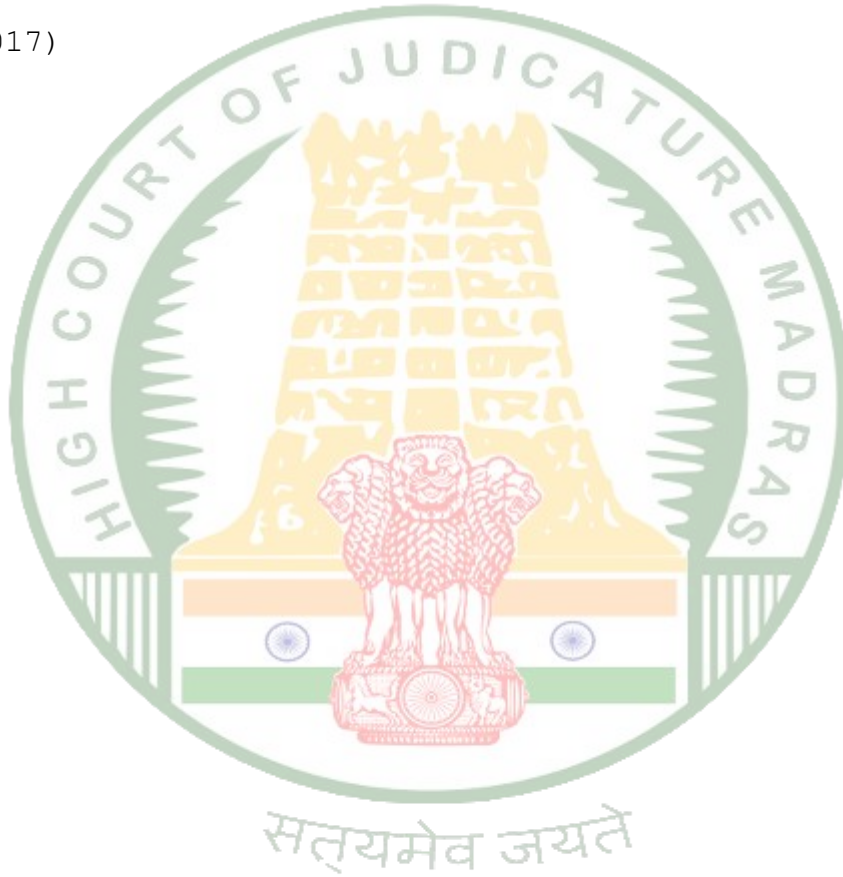
3.The Chief Educational Officer,
Mohenur Road,
Namakkal-637 001.
Namakkal District.

+1cc to Mr.K.Rajkumar, Advocate sr.60364

+1cc to Government Pleader sr.61334

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ss(14/9/2017)



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