

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19917 of 2012

and

M.P.No.1 of 2012

T.Sornalatha

..Petitioner

vs

1.The Director,
Directorate of School Education,
College Road,
Nungambakkam,
Chennai - 600 034.

2.The Joint Director,
Directorate of School Education,
College Road,
Nungambakkam,
Chennai - 600 034.

3.The Chief Educational Officer,
Panagal Buildings,
Saidapet,
Chennai - 600 015.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 2nd respondent relating to order dated 16th July 2012 in proceedings Na.Ka.No:63128/C3/E1/2009 and quash the same.

For Petitioner : Mr.S.Raghavan

For Respondent : Mr.A.Rajaperumal

Additional Government Pleader

O R D E R

The order transferring the writ petitioner on the ground of surplus in proceedings dated 16th July 2012 is under challenge in this writ petition.

2.However, the learned counsel appearing for the writ petitioner states that the post is no longer surplus as of now and the writ petitioner is continuing in the post uninterruptedly. However, transfer is an incidental to service more so, a condition of service. It is for the competent authorities to exercise the power in accordance with the policy of the Government in this regard and based on the administrative necessity. In view of the fact that the writ petitioner has already continued in the said post for about five years from the date of filing of the writ petition. It is made clear that the impugned order in this writ petition cannot be given effect and now after a lapse of about five years. However, it is also made clear that if at all any transfers are to be issued, it must be issued on administrative grounds by following the procedures without taking note of the impugned order in this writ petition.

3.Thus, no further adjudication is required on merits in this writ petition. Accordingly, the writ petition stands closed. However, there shall be no orders as to costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director,
Directorate of School Education,
College Road,Nungambakkam,Chennai - 600 034.

2.The Joint Director,
Directorate of School Education,
College Road,
Nungambakkam,Chennai - 600 034.

3.The Chief Educational Officer,
Panagal Buildings,
Saidapet,Chennai - 600 015.

+1cc to Mr.S.Raghavan, Advocate SR.No.80562
+1cc to Government Pleader Sr.No.80929

W.P.No.19917 of 2012

sm:4.12.2017