

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.43351 of 2016

And

W.M.P.No.37222 of 2016

Tmt.P.V.Suganthi

.. Petitioner

vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
- 2.The Director,
Department of Elementary Education,
Chennai-6.
- 3.The Chief Educational Officer,
Master Plan Complex,
Villupuram-605 602.
- 4.The District Educational Officer,
Master Plan Complex,
Villupuram-605 602.
- 5.Additional Chief Educational Officer (S.S.A.),
Chennai Trunk Road,
Opp. to Telephone Exchange,
MPL High School Campus,
Villupuram.
- 6.The Additional Assistant
Elementary Education Officer,
Master Plan Complex,
Villupuram-605 602.
- 7.The District Elementary Education Officer,
Master Plan Complex,
Villupuram-605 602.

.. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records on the file of the seventh respondent in transfer order 2443/a3/2016 dated 13.8.2016 and consequently quash the same as illegal, incompetent and wholly without justification.

For Petitioner : Mr.V.Raghavachari
For Respondents : Mr.S.Gunasekaran,
Additional Government Pleader.

O R D E R

The order, dated 13.8.2016, issued by the seventh respondent, transferring the writ petitioner from Panchayat Union Middle School, Thachur Kattukottagai, Kallakurichi Union to Panchayat Union Primary School, Varadhappanur, Kallakurichi Union, is under challenge in this writ petition.

2. The writ petitioner is working as a Secondary Grade Teacher and on account of the inspection conducted by the Competent Authority of the Education Department, the post in which the writ petitioner working was declared as surplus and in order to avoid financial losses to the Public Exchequer, the writ petitioner was treated as surplus and posted from Thachur Kattukottagai to Varadhappanur.

3. On perusal of the order impugned in this writ petition, this Court is of the opinion that the order of transfer is administrative in nature. Further, the post, which was held by the writ petitioner, was declared as surplus in view of the fact that there was no sufficient number of students were admitted. Accordingly, the writ petitioner was transferred from Thachur, Kattukottagai to Varadhappanur, within the same Kallakurichi Union. The writ petitioner, being a junior, was declared as surplus and transferred to another vacant post, this cannot be construed as a grievance as far as the writ petitioner is concerned.

4. Treating the writ petitioner as surplus is an administrative action and transferring her, within the same Union from one school to another school, is also administrative in nature. None of the service conditions of the writ petitioner is violated and the writ petitioner can never be said to be aggrieved from and out of the order impugned in this writ petition.

5. Transfer is an incidental to service, more-so, a condition of service. In order to run the effective administration and in the case on hand, in order to avoid loss to the public exchequer in view of the less number of students availability in a particular school, the writ petitioner was transferred. Such a transfer is certainly administrative in nature and there is no violation of any of the service conditions as far as the writ petitioner is concerned.

6. Thus, the writ petitioner cannot have any grievance in respect of the administrative transfer. The place or post can never be claimed as a matter of legal right as far as the Government employees are concerned.

7. This being the view of this Court, the grounds raised in this writ petition deserves no further consideration. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Principal Secretary,
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Villupuram-605 602.
 - 7.The District Elementary Education Officer,
Master Plan Complex,
Villupuram-605 602.
- + 1 cc to Mr.V. Raghawachari, Advocate Sr.60505
+ 1 cc to Government Pleader Sr.61331

WP No.43351 of 2016

SR(CO)

EU 12.09.17

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