

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.16415 of 2004

T.Vimala Rose

...Petitioner

-Vs-

1.The Secretary to Government,
Education Department
(School Education),
Fort St. George,
Chennai 600 009.

2.The Director of School Education,
College Road,
Chennai 600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first and second respondents to grant native transfer to the petitioner from the present district of Sivagangai to the parent district of Kanyakumari.

For Petitioner : Mr.P.I.Thirumoorthy

For Respondents : Mr.A.Zakir Hussain
Government Advocate

ORDER

The grievance set out by the petitioner is that she was posted as B.T. Assistant for Maths in Government Girls Higher Secondary School, Manamadurai, Sivaganga District.

2.The petitioner submitted an application seeking transfer to her native District at Kanyakumari. The husband of the petitioner one Mr.Muthiah is working as temporary employee in P.W.D office at Palayamkottai. The petitioner is having two daughters and both of them are with her husband in Palayamkottai and studying there. Therefore, the petitioner requested the respondents to transfer her from Sivagangai District to Kanyakumari District, which is her native district.

3.The employee after accepting the Government appointment cannot claim transfer as a matter of right. The transfer is incidental and conditions of service. Rule 40 of the Tamil Nadu State and Subordinate Service Rules states that it is the choice of the appointing authority, to transfer an employee. In such circumstances, the transfer of an employee on administrative reasons in order to run the Government Institutions effectively, cannot be interfered with. No writ petition can be filed by the petitioner seeking transfer to native district. Once the petitioner joined in the Government service, it is her duty to serve wherever she is posted and the request for transfer cannot be considered and never claimed as a matter of right and no writ petition can be entertained in this regard. Such being the legal principles to be adopted on transfers, this Court is not inclined to consider the grievance raised in this writ petition and accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Education Department
(School Education),
Fort St. George,
Chennai 600 009.

2.The Director of School Education,
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+1cc to the Government Pleader Sr.37493

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