

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.12.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 37032 of 2006
and M.P.No.1 of 2006

S.Kalai Selvi

...Petitioner

..Vs..

1. The Collector,
Perambalur, Perambalur District.

2. Mr.Murugesan,

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned order of the First Respondent in Na.Ka.No.7788/2006 NMP-1 dated 06.09.2006 and quash the same in so far as the petitioner is concerned.

For Petitioner : M/s.P.Rajendran

For Respondents : Mr.Akhil Akbar Ali (for R.1)
Government Advocate

O R D E R

The order of transfer issued by the District Collector, Perambalur in proceedings dated 06.09.2006, transferring the Writ Petitioner from Government Higher Secondary School, Veppur to Rover Government Higher Secondary School, Perumathur, Kudikadu is under challenge in this Writ Petition.

2. Even as per the Government policy, the Government Servant shall be permitted to continue in one post for a period of 3 years. Even that tenure cannot be claimed as matter to right by a Government Employee. Transfer is an incidence of service. Moreover, the condition of service, post or place, cannot be claimed as matter of right or choice. It is for the Competent Authority to transfer a public servant by ascertaining the requirements and for the efficient public administration.

3. An order of transfer can be challenged, if the same has been issued by incompetent authority, having no jurisdiction or if any allegations of mala-fides are raised or if the order of transfer is in violation of the statutory Rules in force. Even in the case of raising allegation of mala-fides, the authority who has raised has to be impleaded as a party in his personal capacity in the Writ Proceedings. In the absence of any one of these grounds, no Writ proceedings can be entertained against the order of transfer.

4. In respect of the present Writ Petition, the order of transfer dated 06.09.2006 had been issued on administrative grounds. This being the factum, the Writ Petitioner has not established any acceptable ground. Further, the impugned order was passed during the year 2006. Now, after a lapse of 12 years, the grounds raised in the present Writ Petition deserves no consideration. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrm/pvs

To

The Collector,
Perambalur, Perambalur District.

+1cc to the Government Pleader, S.R.No.86290

W.P.No.37032 of 2006

PA (CO)
CS/10/01/2019

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