

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2018

CORAM :

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

W.P.No.10780 of 2018

and W.M.P.No.12725 of 2018

Jabarani
W/o. V.Manisekar,
Junior,
Director of Medical Education,
Kilpauk,
Chennai-10.

...Petitioner

Vs.

1.The Director of Medical Education
Kilpauk,
Chennai - 10.

2. The Director of Medical and
Rural Health Services,
DMS Campus,
Thenampet,
Chennai - 06.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the respondents to consider the petitioner's representation dated 12.04.2018 and consequently transfer the petitioner as Assistant in Director of Medical Education, Kilpauk, Chennai to Thirunelveli Government Medical College.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.P.Raja

Government Advocate

O R D E R

The grievances of the writ petitioner is that on account of an error, her name was not considered for promotion during the appropriate time. However, the error was rectified subsequently and the writ petitioner was promoted to the post of Assistant.

2.The learned counsel appearing on behalf of the writ petitioner states that on account of the mistake on the part of the respondent, the writ petitioner could not able to participate in the counselling and choose the place of her choice in accordance with her seniority. Thus, now, she has made to suffer on account of the transfer and posts, which was issued belatedly.

3.This Court is of the opinion that place or post can never be claimed as a matter of choice by the Government employees. Transfer is an incidental to service, more so, a condition of service. The grievance of the writ petitioner is that she lost her opportunity in the counselling, which resulted transfer to a longer distance. However, these all are the administrative prerogatives and the Government servants have to serve wherever they are posted. Transfer instructions are only certain guidelines for the convenience of the effective administration. Keeping in mind, this Court is of an opinion that it is suffice, if a direction is granted to consider the representation of the writ petitioner on merits and consider the administrative interests.

4.Thus, without going into the merits of the matter, the first respondent is directed to consider the representation submitted by the writ petitioner on 12.04.2018 and pass orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order. The writ petitioner is directed to enclose the copy of the representation and all other relevant documents along with the order passed in this writ petition.

5.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

msv/k

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Director of Medical Education
Kilpauk,
Chennai - 10.

2. The Director of Medical and
Rural Health Services,
DMS Campus, Thenampet, Chennai - 06.

+1cc to Mr.M.Rajendiran, Advocate SR.no.31469
+1cc to Government Pleader SR.No.31792

SSV(CO)
sm:16.5.2018

W.P.No.10780 of 2018
and W.M.P.No.12725 of 2018