

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2018

CORAM
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.4963 of 2012

M.Selvi
Noon Meal Cook,
Govt.Higher Secondary School,
Attakatty, Valparai Taluk,
Coimbatore District

..Petitioner

Versus

1.The Collector,
O/o.the Collectorate of Coimbatore,
Coimbatore District.

2.The Commissioner,
Valparai Municipality,
Coimbatore District

3.C.Kalaiyarasi
(R3 impleaded as per order dated
09.11.2017 by VPNJ in M.P.No.1/13
in W.P.No.4963 of 2012) ..Respondents

PRAYER:Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorari, to call for the
records pertaining to the 1st respondent in Na.Ka.No.347 of
2011/Q2 dated 07.02.2012 passed by the 1st respondent office
pertaining to the transfer of the petitioner and quash the same.

For Petitioner	::	Mr.S.VijayaGanesh
For R1	::	Mrs.Sri Jeyanthi
		Spl.Govt.Pleader
For R2	::	Mr.S.Gunasekaran
For R3	::	Mr.C.Veeraragavan

ORDER

The Writ Petitioner has filed the present Writ Petition in
the nature of Certiorari, to call for the records of the first
respondent namely the Collector, Coimbatore District in
Na.Ka.No.347 of 2011/Q2 dated 07.02.2012 relating to the
transfer of the petitioner from Government High school
Attakkatti, Valparai to the Government Aided Primary School
Water Fall First Division, Valparai.

2. The petitioner was employed as cook in a Noon Meal Scheme. There was a general transfer of the cooks in the said District. That was effected on 30.01.2012. The petitioner who was working in another school in Attakkatti was transferred to the Government High school, Attakkatti.

3. The grievance expressed by Mr.S.Vijaya Ganesh, learned counsel who argued on behalf of the petitioner was that within 3 days from the date of transfer, on 07.02.2012, another proceedings was issued and the petitioner was once again transferred to the Government Aided Primary school, Water Falls First Division, Valparai, situated more than 10 kilometers away.

4. According to the learned counsel malafide intention is imputed to favour the third respondent who had been subsequently impleaded, namely C.Kalaiyarasi.

5. This statement of the learned counsel has been very seriously disputed by Mrs. Sri Jeyanthi, learned Special Government Pleader who has stated that when the Collector had examined the transfer files, and found that the third respondent Kalaiyarasi had been appointed in the year 2002 and the petitioner had been appointed in the year 2008 and consequently, the request of the third respondent who was senior in service was considered. This fact has also been stated in the counter affidavit in para 7 whether it had been very specifically stated that when there are more than one person seeking transfer to a particular school then seniority will be taken into consideration.

6. I agree with the contention of the learned Special Government Pleader.

7. However, in the intervening period from 2012 to this date, in view of the order of stay granted by this Court, the petitioner has been continuously functioning only in Government Aided High School Attakkatti. She has been working as cook for the past 6 years and more at the same school. Now the petitioner cannot complain that the transfer order was passed to favour the third respondent. The transfer order had been stayed by this Court and not given effect to.

8. The Writ Petition does not have merits and same is dismissed. The first respondent is permitted to effect any administrative transfer and the orders in this Writ Petition shall not come in the way of effecting transfers due to administrative reasons. The petitioner and the third respondent shall be considered in the normal course for transfer in any upcoming general transfer.

9. With these above directions, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nvi

To

1.The Collector,
O/o.the Collectorate of Coimbatore,
Coimbatore District.

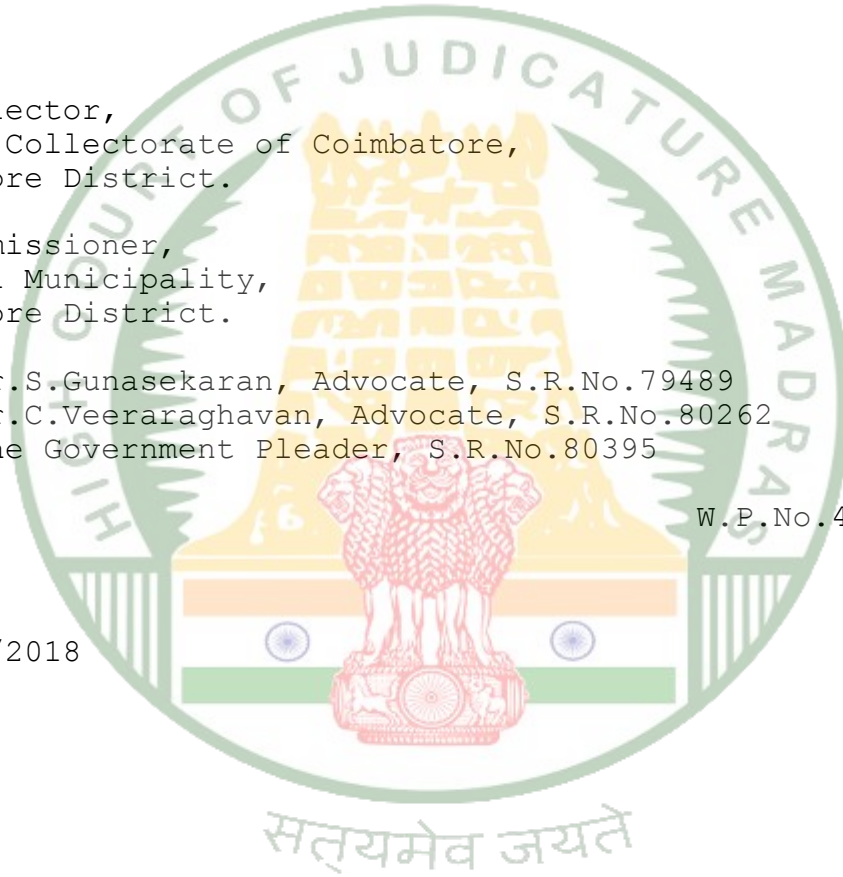
2.The Commissioner,
Valparai Municipality,
Coimbatore District.

+1cc to Mr.S.Gunasekaran, Advocate, S.R.No.79489
+1cc to Mr.C.Veeraraghavan, Advocate, S.R.No.80262
+1cc to the Government Pleader, S.R.No.80395

W.P.No.4963 of 2012

KAN(CO)

rrs 19/12/2018



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