

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :30.10.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.4543 of 2015
and
M.P.Nos.1, 2 and 3 of 2015

Selvi.M.Grace
D/O.Shri.Munirathiinam

..Petitioner

vs

- 1.The Chief Educational Officer,
Coimbatore - 642 001.
Coimbatore - "District".
- 2.The Director of School Education,
College Road,
Nungambakkam,
Chennai - 600 006.
- 3.The Government of Tamil Nadu,
Rep.by its Secretary to the Education Department,
"St" George Fort, Chennai - 600 009.
- 4.The Head Master,
Municipal Boys Higher Secondary School,
Pollachi,
Coimbatore - 'District'.
- 5.The Head Master,
Government High School,
Kadamparai Power House,
Coimbatore - "District".

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the concerned records in proceedings No.Na.Ka. No.11680/A3/2013 dated 2.2.2015 passed by the respondent No.1 herein and to quash the same and to direct the respondents herein more fully the 1st respondent to consider and transfer the petitioner to any schools nearby her house i.e. "Ganapathi Managar", Ganapathi, Coimbatore-642 006 or any schools within the 10 Kms radius from her house on Medical Grounds.

For Petitioner : Mr.M.Arumugam
For Respondents : Mr.A.Rajaperumal,
AGP for R1 to R3 & R5
No appearance for R4

O R D E R

The impugned order passed by the Chief Educational Officer, Coimbatore in proceedings dated 02.02.2015 states that the request of the writ petitioner to transfer her to any school nearby her house i.e., "Ganapathi Manager", Ganapathi, Coimbatore - 642 006 or any schools within the 10 Kms radius from her house.

2.The request of the writ petitioner was rejected on the ground that no Post of B.T.Assistant(Tamil) was vacant during the relevant point of time.

3.The writ petitioner claims that she was appointed as a Secondary Grade Teacher on 03.01.1990 in Government Higher Secondary School, Thumbaipatti, Madurai District and subsequently, got transferred to Government Higher Secondary School, M.Satripatti, Madurai District on 06.07.1997. Thereafter, the petitioner was transferred to Ganapathi, Government Higher Secondary School, Coimbatore, Coimbatore District on promotion as B.T.Assistant(Tamil) and also on medical grounds and she joined duty on 22.11.2011. The petitioner had undergone the Hip Replacement at Madurai and she was under continuous treatment. Under these circumstances, the writ petitioner made an application, seeking transfer nearby to her house.

4.This Court is of an opinion that every employee may have one or other personal grounds for seeking transfers. The medical grounds are now-a-days common amongst the employees. The same cannot be a reason for seeking transfer nearby her house. This apart, the writ petitioner is working at Coimbatore and adequate medical facilities are available.

5.This Court is of an opinion that Transfers are incidental to service, more so, a condition of service. Transfer can never be claimed as a matter of legal right by the employees. Public servants are liable to work wherever they are posted in the interests of public and for the welfare of the public administration. The employees cannot have a post or place as a matter of choice. It is for the administration to take a decision in respect of possessing an employee in a particular post or a particular place, considering the efficiency of public administration.

6.This being the legal principles to be followed, in the matter of transfer, this Court is of an opinion that the writ petitioner cannot submit an application, seeking an approval in a particular posts or particular place as per her choice. The personal grievances can be redressed only through the competent officials and the Court cannot issue direction to post the writ petitioner in a particular post or place nearby to her house. Such a relief sought for in the present writ petition is absolutely misconceived and the writ petitioner has not established even a semblance of legal right, so as to consider the claim made in the present writ petition.

7.Accordingly, there is no infirmity in respect of the impugned order passed by the respondents, rejecting the claim of the writ petitioner. Thus, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Educational Officer,
Coimbatore - 642 001.
Coimbatore - "District".
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College Road,
Nungambakkam,
Chennai - 600 006.
- 3.The Secretary to the Education Department,
"St" George Fort, Chennai - 600 009.
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+1cc to the Government Pleader, S.R.No.75289

W.P.No.4543 of 2015

SR(CO)
GSP(20/11/2018)