

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35081 of 2016

C.Subramanya

..

Petitioner

Vs.

The Elementary Education Officer,
O/o.District Elementary Education Office,
Erode.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondent to pass orders on the petitioner's representation dated 29.8.2016.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.J.Ramesh,
Additional Government Pleader.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to pass orders on the representation submitted by the writ petitioner on 29.8.2016.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner has submitted a representation, seeking transfer from Hill Area to Plain Area.

3. On a perusal of the application submitted by the writ petitioner, this Court is of an opinion that the writ petitioner has set out certain personal grievances for the purpose of transferring him from Hill Area to Plain Area. These kind of representations cannot be entertained by the Courts. The personal grievances of the writ petitioner in respect of transfers are to be made before the appropriate Competent Authority. The Courts cannot recommend the case of the writ petitioner for transferring him from a particular place or area to other place or area or in the land area or in the Hill area. Transfers are administrative prerogative of the competent

authority. Transfer is an incidental to service, more-so a condition of service. A Government Servant cannot claim a particular place or a post as a matter of choice. Certain grievances, if any, to be submitted only before the authorities and such grievances will not constitute any cause of action for the purpose of entertaining a writ petition under Article 226 of the Constitution of India. Constitutional Courts cannot interfere with the day-to-day administration of the State, more-so in respect of transfers. The public servants are to be posted in a particular place and post for the purpose of effective public administration. Only if such transfers are issued without any authority or if an allegation of mala fides are raised or if the same is in violation of the statutory rules, then alone the High Court can exercise its power of judicial review in respect of transfers.

4. In the present case, the writ petitioner has prayed for a direction to consider the representation submitted by him for the purpose of transferring him from Hill Area to Plain Area. Therefore, the writ petitioner has not even established a cause of action and further not established even a semblance of legal right, so as to provide an opportunity to the writ petitioner for the prayer as such sought for in this writ petition. Accordingly, the writ petition is devoid of merits and it stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

The Elementary Education Officer,
O/o.District Elementary Education Office,
Erode.

+1cc to Mr.S.Parthasarathy, advocate sr.no.31001
+1cc to Government Pleader in sr.no.31285

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