



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.55 of 2015

and

M.P. (MD) No.2 of 2015

M.Alagan

... Petitioner

vs.

1.The Director,
Directorate of Adi Dravidar Welfare,
Chepauk, Chennai.

2.The District Adi Dravidar and Tribal Welfare Officer,
Madurai District, Madurai. ... Respondents

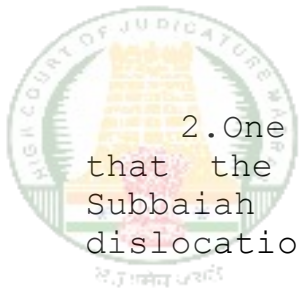
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order of transfer passed by him in his proceedings in Na.Ka.No.01/36228/2014 dated 29.12.2014 and quash the same as illegal and ultravires and consequently direct the respondents to allow the petitioner to continue in the present place i.e., Tutor cum Warden, Govt. Adi Dravidar Welfare Polytechnic Boys Hostel, Madakulam, Madurai.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader.

O R D E R

This writ petition has been filled challenging the transfer order and by virtue of the interim order, the impugned order transferring the writ petitioner herein as B.T.Assistant to the Government Tribal Residential School, Karikkaiyur, Nilgiris District from Government Adi Dravidar Welfare Polytechnic Boys Hostel, Madakulam, Madurai, was stayed. The reason for challenging the transfer order is that the petitioner herein while discharging his duty as a Tutor cum Warden in the Government Adi Dravidar Welfare Polytechnic Boys Hostel, Madakulam, Madurai has been suddenly transferred to Nilgiris District as B.T.Assistant, which is putting him to great hardship and his family members.



2. One of the grounds for challenging the transfer order is that the petitioner's daughter is undergoing 12th standard at Subbaiah Nadar Higher Secondary School, Athipatti and his dislocation from Madurai to Nilgiris District will cause hardship.

3. Further, it is also contented in the affidavit that there is no post of Warden in the Government Tribal Residential School, Karikkaiyur, Nilgiris District. The first respondent knowing fully well that the said post was already surrendered, had transferred the petitioner which amounts to colorful exercise of power.

4. The first respondent has filed a counter, wherein it is stated that due to administrative exigency, the writ petitioner was transferred to Government Tribal Residential School, Karikkaiyur, Nilgiris District. The petitioner being a B.T. Assistant took cater students from lower strata of society, he has been transferred in the middle of the academic year, though there is no legal bar to transfer the teaching staff during the middle of the academic year. It is only an recommendary advice by the Department as well as by the pronouncement of the Court that unless and until there is a genuine administrative exigency, Government staff need not be disturbed during the middle of the academic year. As far as the writ petitioner is concerned, the transfer order was a *bona-fide* one to meet out the administrative exigency and since the petitioner herein had been in the present station for more than three years, he cannot challenge the transfer order as a matter of right.

5. After considering the averments made in the affidavit of the writ petitioner and the counter affidavit filed by the state, this Court finds that the grounds stated by the writ petitioner challenging the transfer order are unsustainable both on law and facts. Furthermore, by virtue of interim order, he had been in this station for nearly three years after the impugned order passed by the second respondent. So, the only humanitarian ground which ought to have weighted the mind of this Court that the daughter of the writ petitioner was pursuing 12th standard at that point of time, also does not exist now. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

Sub Assistant Registrar (CS-IV)



To:

1.The Director,
Directorate of Adi Dravidar Welfare,
Chepauk, Chennai.

2.The District Adi Dravidar and Tribal Welfare Officer,
Madurai District, Madurai.

+1cc to Special Government Pleader Sr.No.94695.

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cp

RAM-KK/RSK/SAR 4/24.12.2018/2P/4C