



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.6882 of 2011

and

M.P.(MD).No.1 of 2011

R.Dhananjayan

.. Petitioner

-vs-

The Director of Collegiate Education,
College Road,
Nungambakkam,
Chennai - 600 006.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in connection with the impugned Show Cause Notice issued by him in his Proceedings in Na.Ka.No.56490/T5/11 dated 06.06.2011 and quash the same as illegal and arbitrary and consequently direct the respondent to allow the petitioner to perform his duty peacefully.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.M.Muthu
Additional Government Pleader

ORDER

The Show Cause Notice issued against the writ petitioner in proceedings, dated 06.06.2011 is under challenge in this writ petition.

2. The learned counsel appearing on behalf of the writ petitioner is of the opinion that the writ petitioner was unnecessarily harassed by the officials by issuing a transfer order in proceedings dated 06.08.2010 transferring the writ petitioner from Tiruvannamalai to Kumbakonam. The learned counsel for the petitioner is of the opinion that a chain of events shows that the writ petitioner had been harassed by the officials. However, this Court is of the opinion that a mere issuance of transfer order per se will not constitute a harassment or otherwise on the part of the officials. Transfer



being an incidental to service, more-so a condition of service. A Government employee, who has accepted an offer of appointment is liable for transfer in accordance with the transfer policy in force. The appointing authority or the authority empowered with the power of transfer can issue an order of transfer in the interest of public administration. Thus an employee has no right to challenge the proceedings issued in respect of transfer.

3. The relief sought for in this writ petition is to quash the Show Cause Notice dated 06.06.2011. On a perusal of the Show Cause Notice, it is enumerated that in respect of the letters sent by the Principal, Government Arts and Science College, Tiruvannamalai to handover the NCC department charges, The writ petitioner had not handed over the same as per the orders of the Principal. Since the writ petitioner had not handed over the charges in time, the new entrants are unable to be admitted in the NCC Wing of the College. Instead of handing over the charges, the writ petitioner has filed a Civil Suit claiming damages against the Principal. Thus the writ petitioner has committed an act of misconduct in not obeying the orders of the supervisors. In view of this happenings, the Director of Collegiate Education issued a Show Cause Notice in proceedings, dated 06.06.2011 directing the writ petitioner to submit his explanations within 15 days from the date of receipt of that notice. Instead of submitting his explanation to the Director, the writ petitioner has chosen to file the present writ petition under Article 226 of the Constitution of India.

4. This Court is of the opinion that it is left open to the writ petitioner to submit his explanation/objection on the allegations set out in the Show Cause Notice, dated 06.06.2011 and prove his innocence. The respondent on receipt of any such explanation, are at liberty to consider the merits and demerits of the case and take a decision and pass orders. Thus, the mere issuance of a Show Cause Notice would not provide any cause of action to the writ petitioner to challenge the same by way of writ petition. In the case on hand, the writ petitioner has not established any right so as to consider the writ petition.

5. Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>
The Director of Collegiate Education,
College Road,



Nungambakkam,
Chennai - 600 006.

+1cc to M/S.Special Government Pleader, SR. 41720

+1cc to Mr.G.THALAIMUTHARASU, Advocate, SR.41859

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PJL

KK/MR/SAR 2/22.01.2018/ 3P- 4C/