

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 30.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.34859 of 2005

and

WP.MP.37751 of 2005

M.MANI ... petitioner

Vs

- 1 THE JOINT DIERCOTR OF SCHOOL
EDUCATION (PANIYALARTHOKUTHI) TAMILNADU
OFFICE OF THE JOINT DIRECTOR OF SCHOOL
EDUCATION CHENNAI-6
- 2 THE CHIEF EDUCATIONAL OFFICER
SAIDAPET CHENNAI-15
- 3 THE HEAD MASTER
GOVT. HIGHER SECONDARY SCHOOL URUR ADYAR
BESANT NAGAR CHENNAI-20
- 4 P.MURUGESAN
OFFICE ASST DIRECTORATE OF SCHOOL EDUCATION
CHENNAI-6 ... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorari calling for the records of the 1st respondent with Ref: Na.Ka.No.48760/R8/04 dt. 18-10-2005 and quash the same

For petitioner ... Mr.N.Selvaraju

For respondents ... Mr.A.Raja Perumal, A.G.P.
For respondents 1 to 3
No appearance for R-4

O R D E R

The order of administrative transfer issued by the first respondent in proceeding dated 18.10.2005 is under challenge in the present Writ Petition.

2. The order of transfer dated 18.10.2005 states that the Writ Petitioner was transferred from Government Higher Secondary School, Adyar, Chennai 20 to the Directorate of School Education at Chennai 6. The Writ Petitioner was transferred on administrative grounds. This apart, the learned counsel for the petitioner states that during the pendency of the Writ Petition, the Writ Petitioner was removed from service. However, this Court is of the opinion that transfer is incidental to service, more so a condition of service. Place or post can never be claimed as a matter of choice by a public servant. In view of the fact that the Writ Petitioner is not at all in service now and the order of transfer is in accordance with law, this Court is not inclined to consider the relief as such sought for in the Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, W.P.M.P.No.37751 of 2005 is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tar

To

- 1 THE JOINT DIRECTOR OF SCHOOL
EDUCATION (PANIYALARTHOKUTHI) TAMILNADU
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+1cc to Government Pleader sr.no.8180

W.P. No.34859 of 2005

nr 14/03/2019