

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.02.2019

CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.3932 of 2018

S.Vimala

...Petitioner

Vs

1. The District Collector,
Kancheepuram, Kancheepuram District.

2. The Commissioner,
Thirukazhukundram Panchayat Union,
Kancheepuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 20.11.2017 with regard to the petitioner transfer to the Panchayat Union Middle School, Pudupakkam, Thirukazhukundram Panchayat Union.

For Petitioner : Mr.P.Manoj Kumar

For Respondent1: Mr.R.S.Selvam
Government Advocate

for R2: Mr.K.Rajendra Prasad

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to consider the petitioner's representation dated 20.11.2017 with regard to the petitioner transfer to the Panchayat Union Middle School, Pudupakkam, Thirukazhukundram Panchayat Union.

2. Transfer is a incidental to service, more so the condition of service. Transfer can never be claimed as a matter of right. A public servant cannot choose a post or place for the purpose of serving in public in general. A public servant is bound to do service in a place and post provided by the Competent Authorities. Equally, the Competent Authorities are also shall consider the personal grievances if any to the employees and appropriately take a decision to issue posting orders considering the public interest and other aspects of the matter.

3. However, the interest of public and the public administration are the paramount importance for the purpose of transfer and posting to the Government employees. There cannot be any compromise on public interest while taking such decisions. The present writ petition is filed for a direction to consider the representation submitted by the writ petitioner to transfer her in a particular post or place, can never be entertained by this Court. Issuing a direction to consider the representation in respect of the request of the writ petitioner to post her to a particular place can never be claimed as a matter of legal right and it is always the administrative prerogative to post an employee in a particular place considering the necessity of the public interest and this being the principles to be followed, the Competent Authorities has to take a decision to consider in respect of the transfer and posting. If at all the employee is having any personal grievance, it is left open to him to approach the Competent Authorities or Higher Authorities for the purpose of redressing his grievances in the matter of transfer and posting.

4. The Competent Authorities or Higher Authorities shall consider all such claims with reference to the rules and policies of the Government in this issue. In view of the matter, the case of the writ petitioner also shall be looked in to with reference to the guidelines or policies in the matter of transfer and postings. Accordingly, the writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Pkn

To

1.The District Collector,
Kancheepuram, Kancheepuram District.

2.The Commissioner,
Thirukazhukundram Panchayat Union,
Kancheepuram District.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.11744

+2ccs to the Government Pleader, S.R.No.11367, 11900

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SR(CO)

rrs 19/03/2019