

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.03.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15245 of 2018
and
W.M.P.No.18070 of 2018

Uma Maheshwari

.. Petitioner

..vs..

- 1.The Director,
Elementary Educational Department,
Chennai - 6.
- 2.Joint Director,
School Education Department,
Chennai - 6.
- 3.District Elementary Educational Officer,
Eluppur, Pudukottai.
- 4.District Elementary Educational Officer,
Pudukottai.
- 5.The Chief Educational Officer,
Pudukottai.
- 6.The Head Master,
Panchayat Union Middle School,
Kambaliyampatti,
Vellakovil Union,
Tiruppur District.

7.Jayavimala

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to post the petitioner as BT Assistant English teacher in Panchayat Union Middle School, Semboothi, Ponnamaravathy Block, Pudukottai District by considering the representation dated 13.06.2018 and 14.06.2018 by removing the 7th respondent.

For Petitioner : Mrs.S.Sengkodi
for Mr.R.Sankarasubbu

For Respondents: Mr.A.Raja Perumal

Additional Government Pleader for R1
to R6

Mr.P.Manoj Kumar for R7

O R D E R

The relief as such sought for in the present writ petition is for a direction to direct the respondents 1 to 5 to post the petitioner as BT Assistant English teacher in Panchayat Union Middle School, Semboothi, Ponnamaravathy Block, Pudukottai District by considering the representation dated 13.06.2018 and 14.06.2018 by removing the 7th respondent.

2.The learned counsel for the 7th respondent, at the first instance pleaded that the 7th respondent is not working as B.T. Assistant in Panchayat Union Middle School, Semboothi. This apart, the very grievance of the writ petitioner is that she filed an application seeking transfer to Pudukottai District and said application has not been considered at all. Earlier she filed a writ petition in W.P(MD).No.16173 of 2015 and this Court passed an order dated 30.10.2015, stating that to accommodate the petitioner in the first vacancy that would arise in Panchayat Union Middle School, Semboothi, Ponnamaravathy Block, Pudukottai District.

3.The learned counsel for the writ petitioner states that the earlier directions issued by the Madurai Bench of Madras High Court, the writ petitioner constrained to move the present writ petition.

4.The relief as such sought for in the present writ petition is absolutely misconceived and not maintainable.

5.Transfer can never be claimed as a matter of right. A Government employee cannot maintain a writ petition seeking a direction to transfer him / her from one place to another place. The High Court cannot interfere with the routine administration of the State or its Organization. It is the prerogative of the Authorities Competent to effect transfers on public interest and for efficient administration. However, an order of transfer can be challenged on certain limited grounds. If an order of transfer is issued without any jurisdiction or with malafide intention or against rules then, the High Court can interfere with the order of transfer.

6.In the present case on hand, no such transfer order has been passed affecting the rights of the writ petitioner. Contrarily, the writ petitioner moved the present writ petition

for a direction to post her as B.T. Assistant English teacher in Panchayat Union Middle School, Semboothi, Ponnamaravathy Block, Pudukottai District. The relief as such sought for in the present writ petition cannot be considered by the High Court under Article 226 of the Constitution of India and the transfer is an incidental to service. More so, a condition of service. Thus, any such personal grievances of the writ petitioner is to be redressed only by the Competent Authorities, if any application is made in this regard.

7. Post or Place can never be claimed as a matter of choice by the Government servants. The Government servants are bound to serve wherever they are posted in the interest of the public administration and also the Competent Authorities should ensure that the transfers and postings are issued in the interest of public administration and without causing any discrimination or personal vengeance.

8. This being the legal principles to be followed, the present writ petition cannot be maintained. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

Pns

To

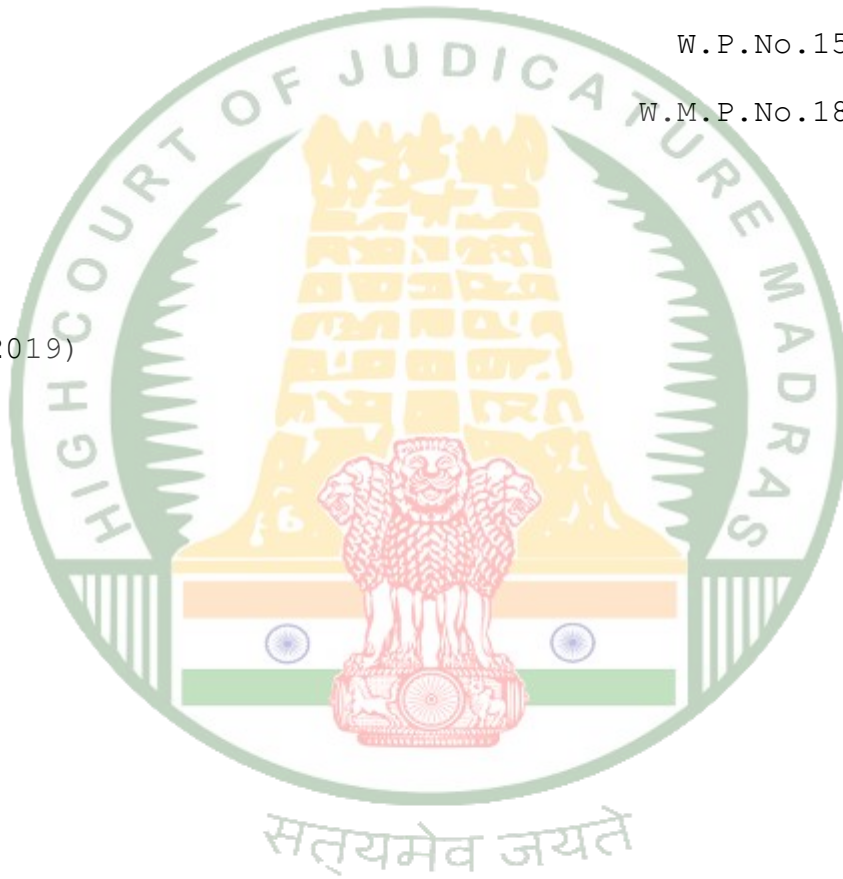
1. The Director,
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2. Joint Director,
School Education Department,
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Pudukottai.

6.The Head Master,
Panchayat Union Middle School,
Kambaliyampatti,
Vellakovil Union, Tiruppur District.

+1 CC to Government Pleader sr 24694.
+1 CC to Mr.P.Rajendran,Advocate sr 23343.
+1 CC to Mr.S.Rajinikanth, Advocate sr 22841.

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CA (CO)
SP (12/04/2019)



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