

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31627 of 2018

S.D.Asinajhon

.. Petitioner

Vs.

1. The District Collector
Krishnagiri
Krishnagiri District.

2. The Commissioner
Panchayat Union Office
Uthangarai
Krishnagiri District.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records which culminated in passing the order bearing reference Na.Ka.Pa.23186/2018/Ex1 dated 22.10.2018 of the 1st respondent, and quash the same and consequently directing the respondents to consider the petitioner for request transfer to the vacant place of the Noon Meals Centre at Government Boys Higher Secondary School, Singarapattai, Krishnagiri District.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.R.S.Selvam
Government Advocate for R1.
Mr.K.K.Ramesh for R2.

O R D E R

The order of rejection dated 22.10.2018 in respect of the claim of the writ petitioner to transfer her from one place to another place is under challenge in the present writ petition.

2. The writ petitioner is now working in Panchayat Union Elementary School, Singarapettai and she made a request to post her at Government Boys Higher Secondary School, Singarapettai. The said request was considered by the authority competent and an order of rejection was passed in proceeding dated 22.10.2018.

3. A Government employee cannot claim place or post as a matter of choice. Undoubtedly, a Government employee can submit a representation requesting transfer. However, mere submission of such representation would not confer any legal right to approach the High Court under Article 226 of the Constitution of India on the ground that the request was rejected.

4. Transfer is incidental to service, more so, a condition of service. The Government employee, wherever he/she is posted, is liable to work. In the present case, the writ petitioner has made a request to transfer her to a particular place. However, the said request was rejected. It is an administrative decision taken by the authorities and the same will not give rise to any cause of action. The writ petitioner cannot be considered as an aggrieved person, consequent to the order of rejection passed by the respondent in respect of the request transfer application made. The writ petitioner is not an aggrieved person and the rejection of order would not provide any cause of action. This being the factum of the case, this Court is not inclined to entertain the writ petition and the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

ssb

To

1. The District Collector
Krishnagiri
Krishnagiri District.

2. The Commissioner
Panchayat Union Office
Uthangarai
Krishnagiri District.

+1cc to Mr.P.Ganesan, Advocate SR.No.23953

W.P.No.31627 of 2018

GMV (28/03/2019)