



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.08.2019**

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WEB COPY

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.14575 of 2019

and

W.M.P. (MD) No.11028 & 11029 of 2019

A.Kulandaisamy

...Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Principal Secretary to Government,
School Education Department, Secretariat, Chennai.

2.The Director of Elementary Education,
Chennai - 6.

3.The District Educational Officer,
Sivagangai District.

4.The Block Educational Officer,
Ilayankudi, Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in his proceedings in G.O.(1D)No.218, School Education(Pa.Ka.5(1)) Department dated 20/06/2019 in so far as the condition 9(I) is concerned and quash the same and direct the respondents to permit the petitioner to participate in the counselling by accepting the petitioners application dated 26/06/2019, so as to enable him to get transfer.

For Petitioner : Mr.V.Panneerselvam

For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by Mrs.S.Srimathy
Special Government Pleader

ORDER

When the matter is taken up for hearing, Mr.K.Chellapandian, learned Additional Advocate General appearing for Mrs.S.Srimathy, learned Special Government Pleader would contend that the



administrative decision with regard to transfer of Government Servants is not only an incident of service but also a condition of service. Therefore, the petitioner cannot have any legal right to challenge the period of three years fixed by the Government for transfer in G.O(1D).No.218, School Education [Pa.Ka.5(1)] Department, dated 20.06.2019 insofar as the order passed by this Court in W.P.(MD) No.16016 of 2018, dated 29.06.2018, is concerned.

2. In view of the above, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. Principal Secretary to Government,
School Education Department,
Secretariat, Chennai.

2. The Director of Elementary Education,
Chennai - 6.

3. The District Educational Officer,
Sivagangai District.

4. The Block Educational Officer,
Ilayankudi, Sivagangai District.

+1 CC to M/s. Special Government Pleader (SR-83763[F] 28/08/2019)

+1 CC to M/s. V. PANNEER SELVAM, Advocate (SR-84160[F] 29/08/2019)

W.P. (MD) No.14575 of 2019
27.08.2019

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SDS/02.01.2020/2P-7C