



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.16915 of 2014

and

M.P (MD)No.1 of 2014

WEB COPY

S.Muppidathi

... Petitioner

Vs.

1.The Director of School Education,
DPI Complex, College Road,
Chennai-06.

2.The Director of Elementary Education,
College Road,
DPI Complex,
Chennai-6.

3.The District Educational Officer,
Tirunelveli District.

4.The District Elementary Educational Officer,
Tirunelveli.

... Respondents

PRAYER: Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings of first respondent in Na.Ka.No.71930/C3/E2/2014 dated 12.09.2014 and quash the same and to direct the first respondent to transfer the petitioner to any of the High Schools at Tirunelveli District as Graduate Assistant (Maths).

For Petitioner : Mr.S.R.Anbarasu

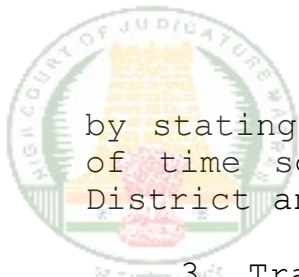
For Respondents : Mrs.S.Srimathy,

Special Government Pleader

ORDER

The order, dated 12.09.2014 rejecting the claim of the writ petitioner to transfer her to Government Higher Secondary School in Tirunelveli District, is under challenge in the present writ petition.

2. The claim of the writ petitioner is that she made a request application for transfer to post her at Tirunelveli District, however, the application was not considered. Thus, the petitioner earlier filed W.P.No.668 of 2014 and this Court passed an order, dated 10.1.2014 directing the second respondent to consider the case of the petitioner. Accordingly, the impugned order has been passed



by stating that there was no vacant post during the relevant point of time so as to accommodate the writ petitioner in Tirunelveli District and accordingly, her application was rejected.

3. Transfer is an incidental to service, more so, a condition of service. A request transfer application can be considered by the competent authorities in the interest of public administration. The court cannot issue any directions to post an employee in a particular place or post. Post or place can never be claimed as a matter of choice by the public servant. Public servants are liable to work wherever they are posted in the interest of public at large. Thus, transfer can never be claimed as a matter of right. Transfer being a condition of service cannot be claimed as a matter of right by the public servant by submitting an application that she must be posted in a particular District or in a particular place or post.

4. Transfers are effected on administrative grounds and on certain emergency circumstances. Thus, it is an administrative prerogative of the authorities concerned and the employees cannot claim a place or post as a matter of choice or as a matter right.

5. This being the principles to be followed, this Court is of the considered opinion that the impugned order states that the post of B.T.Assistant Mathematics in Tirunelveli District during the relevant point of time was not available. Thus, the case of the writ petitioner was rejected. Under these circumstances, this Court cannot issue any direction to the respondents to accommodate the writ petitioner to any particular District or place. It is for the authorities to take a decision in the interest of public administration and considering the vacancy position.

6.This being the factum, there is no infirmity in respect of the order impugned passed by the respondents. Accordingly, the writ petitioner has not established any acceptable grounds for the purpose of considering the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Director of School Education,
DPI Complex, College Road,
Chennai-06.

2.The Director of Elementary Education,
College Road,
DPI Complex,
Chennai-6.

3.The District Educational Officer,
Tirunelveli District.

4.The District Elementary Educational Officer,
Tirunelveli.

+1 CC to SPL GP SR-79932.

+1 CC to Mr.S.R.ANBARASU, Advocate SR-80093.

W.P. (MD) No.16915 of 2014
05.08.2019

CS(19.08.2019) 3P 7C