

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 29.07.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

WEB COPY

W.P. (MD) No.17888 of 2014
and
M.P. (MD) .Nos.1 and 2 of 2014
and
M.P. (MD) .No.1 of 2015

M.P.Arun Raja Singh

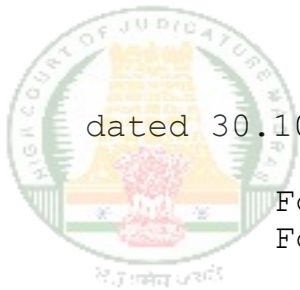
... Petitioner

Vs.

- 1.The Additional Commissioner
Kendriya Vidhyalaya Sangatham,
Head Quarters,
No.18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016.
- 2.The Administrative Officer, (ESTT)
Kendriya Vidhyalaya Sangatham
Head Quarters,
No.18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016
- 3.The Deputy Commissioner,
Kendriya Vidhyalaya Sangatham,
Regional Office,
IIT Campus,
Chennai-36.
- 4.The Principal,
Kendriya Vidhyalaya,
Cecri Campus,
Karaikudi
Sivagangai District.
- 5.The Principal,
Kendriya Vidhyalaya,
Warangaon,
Maharashtra State.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the entire records in connection with the impugned order passed by the second respondent vide Letter No.F.11046/2014-2015/KVS/ (HQ)/Esst-II/VIP



dated 30.10.2014 and quash the same as illegal.

For Petitioner : Mr.D.Srinivasa Raghavan
For Respondents : No appearance

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ORDER

The order of transfer dated 30.10.2014 transferring the writ petitioner from Kendriya Vidhyalaya, Karaikudi to Kendriya Vidhyalaya, Warangaon, Maharashtra State, is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner made a submission that frequent transfers were issued to the writ petitioner and accordingly, the writ petitioner was constrained to move the present writ petition.

3.However, by virtue of an interim order granted by this Court, the writ petitioner is continuing in the present post for more than 5 years. Even before filing of the writ petition, the writ petitioner was serving in the same place at Karaikudi. Under these circumstances, the petitioner has already completed more than 5 ½ years in the present station and therefore, she is due for further transfer in accordance with the transfer policy and in accordance with the administrative guidelines or instructions if any, in force.

4.Transfer is an incidental to service. Moreso, a condition of service. Transfer is not a punishment. Thus, an order of transfer can be challenged only on exceptional circumstances. Where the order of transfer was issued in violation of the Statutory Rules or if an allegation of malafide are raised or the same has been issued by the incompetent authority. All other circumstances, administrative transfers are to be implemented and obeyed by the officials concerned.

5.Place or post can never be claimed as a matter of choice. When transfer is a condition of service, no doubt an employee on transfer is bound to join in the place wherever posted. This being the principles to be followed, the High Court cannot interfere with the routine administration of the State or union.

6.The competent authorities are the best person to decide, who should be placed in which place. Efficiency of the public administration is to be maintained by the competent authority by posting the person in the appropriate place. The High Court could not interfere in such routine administrative affairs only if some illegality is established by the writ petitioner. However, in the present case, the writ petitioner has already allowed to serve in the same post for more than 5 ½ years and therefore, no further consideration is required in respect of the grounds raised in the present writ petition.

<https://hcservices.ecourts.gov.in/hcservices/>

7.In view of the above, this writ petition stands dismissed. No



costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (P AND A)

Sub Assistant Registrar (CS)

To

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+1 CC to M/s.D.ANBARASU, Advocate (SR-78321[F] dated 29/07/2019)

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