



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) .No.7655 of 2015

and

MP(MD)No.1 of 2015

Graduates and Students Association of
H.R.Studies,
Tamil Nadu, through its Secretary,
Reg.No.162 of 2013,
Subathira,
D/o.Venkatachalam,
No.4, Lankarkana Street,
Palayamkottai,
Tirunelveli-2.

... Petitioner

-Vs-

The Director of Collegiate Education,
College Road,
Nungambakkam, Chennai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent not to transfer any Lecturer in future atleast from any other Government College to teach student for M.A HRD and M.Phil., HRD in Rani Anna Government College for Women, Abishekapatti, Tirunelveli in any of the subject without the University Grand Commission prescribed essential qualification namely M.A. in HRD or M.Phil in HRD.,

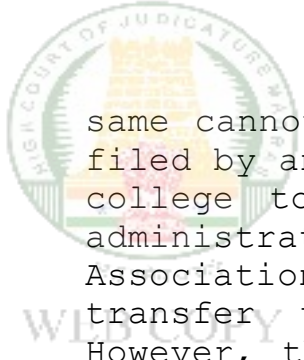
For Petitioner : Mr.P.Sethurpandian

For Respondent : Mr.S.Dhayalan
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondent not to transfer any Lecturer in future atleast from any other Government College to Teach Students for M.A HRD and M.Phil., HRD in Rani Anna Government College for Women, Abishekapatti, Tirunelveli in any of the subject without the University Grants Commission prescribed essential qualification namely M.A. in HRD or M.Phil in HRD.,

2.The writ petitioner is the graduates and Students Association of HR studies. The relief sought for in the present writ petition is not to transfer the Lecturer from one college to another college. Such a relief is absolutely innocuous and the



same cannot be considered. More specifically, in a writ petition filed by an Association transferring the Teaching faculty from one college to another college or to any other University is the administrative propagative and the policy of the employer. The Association cannot file a writ petition for a direction not to transfer the Lecturer from one college to another college. However, the order of transfer is to be issued with reference to the guidelines or orders in force. The writ petitioner being an association cannot interfere with the routine administration of the university or college. Even, as a matter of fact, High Court cannot interfere with the routine administration of the college. Whenever an order of transfer has been issued in violation of the statutory rules in force or if there is any allegation of *mala fides*, then alone a writ proceedings can be entertained. Transfer order is well within the purview of administrative authorities. This being the principles to be adopted. The very relief as such sought for in the present writ petition cannot be granted.

3. Transfer is an incidental to service more so a condition of service. Transfer orders are issued based on the decisions taken by the competent authorities in the interest of public administration and to run the administration smoothly and efficiently. This being the concept, the Writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

The Director of Collegiate Education,
College Road,
Nungambakkam, Chennai.

+1 CC to SPL GP SR-74764.

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