



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P(MD)No. 17418 of 2013
and M.P. (MD) Nos.1 & 2 of 2013

P. Arulselvi ... Petitioner

Vs.

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The District Elementary Education Officer,
Tuticorin, Tuticorin District.

3. The Assistant/Additional Assistant Elementary
Education Officer,
Sathankulam, Tuticorin District.

4. The Commissioner,
Santhankulam Panchayat Union,
Santhankulam, Tuticorin District.

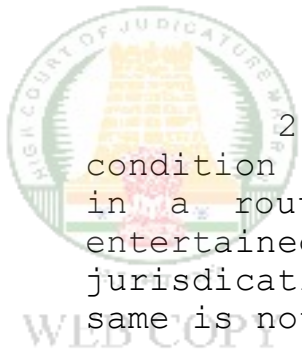
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorified Mandamus, to call for the records pertaining to the order of the 1st respondent in V9/18946/2013 dated 27.05.2013 and quash the same in so far as the transfer of the petitioner from TDTA Primary School, North Amuthakudi to CMS Middle School, Kalyavilai in Serial No.13 of the Transfer List is concerned and consequently directing the 1st respondent to re-transfer the petitioner to TDTA Primary School, North Amuthakudi or to the optional school at Saint Joseph Girls Higher Secondary School, Sathankulam.

For Petitioner : Mr. C.K.M. Appaji
For Respondents-1 to 3 : Mrs.S.Srimathi
Special Government Pleader
For Respondent-4 : Mr.R. Velmurugan

O R D E R

The order of administrative transfer dated 27.05.2013, transferring the writ petitioner from Sathankulam to CMS Middle School, Kalyavilai is under challenge in the present writ petition.



2. The transfer is an incidental to service. More so, a condition of service. An order of transfer cannot be challenged in a routine manner. A writ against the transfer can be entertained if the same has been issued by the authority having no jurisdiction or an allegation of malafide has been raised or the same is not in accordance with the statutorily rules in force.

3. The writ petitioner is liable to be transferred by the competent authority. Admittedly, the writ petitioner was transferred within the same Taluk and the distance between the two places are about 10 kms. This being the admitted position, this Court is of the opinion that the present writ petitioner deserves no merit consideration. This apart, the writ petition was filed during the year 2013 and there was no interim order. Now, after lapse of 6 years from the date of transfer order, no further adjudication or consideration is required and the writ petitioner has to serve wherever she is posted in the interest of public administration and to serve the public at large.

4. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

ksa/MR

To

1. The District Collector,
Tuticorin District, Tuticorin.
2. The District Elementary Education Officer,
Tuticorin, Tuticorin District.
3. The Assistant/Additional Assistant Elementary
Education Officer,
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4. The Commissioner,
Santhankulam Panchayat Union, Santhankulam, Tuticorin District.

+ 1 CC to The Special Government Pleader SR.No.67433

W.P[MD)]No. 17418 of 2013