

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.3469 of 2019

ORDER:

This writ petition is filed seeking Writ of Mandamus, declaring the impugned G.O.Rt.No.14 dated 6.2.2019 issued by the 3rd respondent and consequently the impugned letter Ref.No.16793/EE.2 dated 6.2.2019 issued by the 4th respondent without following policy of transfers issued in G.O.Ms.No.81 dated 8.7.2008 and transfers made in the Forest Department is arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India and sought for a consequential direction to set aside G.O.Rt.No.14 dated 6.2.2019 issued by 3rd respondent and the consequential proceedings issued by the 4th respondent on 6.2.2019.

2. Heard Sri Ramesh Bura, learned counsel for the petitioners and the learned Government Pleader, appearing for Respondents.

3. It has been contended by the petitioners that the Respondents have issued the impugned transfer orders in the middle of the academic year vide G.O.Rt.No.14 dated 6.2.2019, which is contrary to the guidelines issued by the State Government in G.O.Ms.No.81 dated 8.7.2008.

4. The learned counsel for the petitioners submits that the Respondents at the time of effecting transfers are required to follow the guidelines issued in G.O.Ms.No.81 dated 8.7.2008 and without taking into consideration the said guidelines, the Respondents are effecting transfers in the middle of the academic year by relaxing the ban orders and therefore, the same are liable to be set aside.

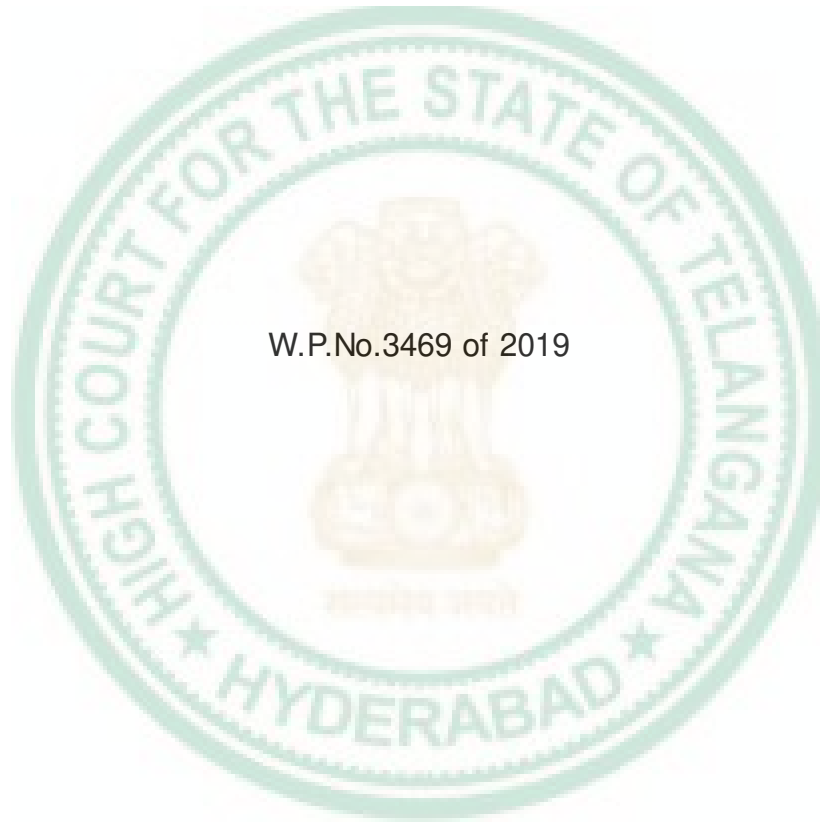
5. The Respondents have issued G.O.Rt.No.14, Environment, Forests, Science and Technology (FOR.II) Department dated 6.2.2019 on administrative grounds in relaxation of ban orders issued by the State Government vide G.O.Ms.No.81 dated 8.7.2008. The Courts should not normally interfere with the transfer orders, unless and until some malafides alleged in the case. In the instant case, no such malafides are attributed in effecting transfers to the petitioners. The guidelines framed for effecting transfers vide G.O.Ms.No.81 dated 8.7.2008 are meant for regular course, but administrative transfer orders can be issued in the middle of the academic year, that too in the exigencies of service. No illegality is pointed out by the petitioners, so as to interfere with the transfer orders. There is no merit in the writ petition.

7. Accordingly, the writ petition is dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 20.2.2019
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THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



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