



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.18808 of 2014

and MP (MD) Nos.1, 2 of 2014 & 1 of 2015

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K.Selvarani

... Petitioner

-Vs-

The Commissioner,
Oddanchatram Panchayat Union,
Oddanchatram,
Dindigul District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in Na.Ka.No.49/2013/A6 dated 28.10.2014, namely order passed by the respondent transferring the petitioner from Parappalaru Government High School to Panchayat Union Middle School, Gandhi Nagar, Oddanchatram and, quash the same.

For Petitioner	:	Mr.S.Anand Chandrasekar for M/s.Sarvabhauman Associates
For Respondent	:	Mr.V.Anand, Government Advocate.

ORDER

The order of transfer dated 28.10.2014, transferring the writ petitioner from Parappalaru Government High School to Panachayat Union Middle School, Gandhi Nagar, Oddanchaatram, is under challenge in the present writ petition.

2.The impugned order of transfer states that the petitioner was transferred of administrative grounds.

3.The transfer is an incidental to service, moreso a condition of service. Thus an order of transfer cannot be challenged nor a writ can be entertained in a routine manner. All the servants are subject to transfer on administrative grounds and an order of transfer can be challenged, if the allegations of *mala fide* are established, if the order is passed without jurisdiction.

4.In the present case, the impugned order of transfer has been passed in the year 2014 and six years lapsed. Even as per the Government guidelines, the writ petitioner can be retained in a post for a period of three years. This being the factum, keeping the petition pending for more than 6 years, the writ petitioner allowing to continue in the same post. The writ petition deserves no further consideration with reference to the impugned order of



transfer and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

dss/vsg

To

The Commissioner,
Oddanchatram Panchayat Union,
Oddanchatram,
Dindigul District.

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SR (CO)

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