



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7185 of 2019

and

W.M.P. Nos. 7907 and 7913 of 2019

Dr. R.Anthony Raj (deceased)

2. Indira Gandhi

3. Dhinakaran Ashok Rajamanickam
... Petitioners

(P2 and P3 substituted as Lrs of the Deceased sole petitioner
vide order dated 22.03.2022 in W.M.P. No. 562 of 2022)

-vs-

1. State of Tamil Nadu,
Rep. by Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director,
Directorate of Collegiate Education,
Chennai - 600 006.
3. The Principal,
Loganatha Narayanasamy Govt. College (Autonomous),
Ponneri,
Tiruvallur District - 601 204.
4. R.Charumathi
5. R.Sreenivasan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the transfer proceedings issued by the Second Respondent in Na. Ka. No. 4158/D3/2019 dated 04.03.2019 transferring the Petitioner from Ponneri to Poolangurichi and a consequential relieving



order issued by the Third Respondent in Na. Ka. No. 148/A/2019 dated 05.03.2019 and to quash the same and for a consequential direction to the First and Second Respondents to restore the Petitioner in the Third Respondent College as Assistant Professor in History Department.

For Petitioners: Mr. N.G.R.Prasad
for M/s. Row and Reddy

For Respondents: Mrs. C.Sangamithirai,
Special Government Pleader
(for R1 & R2)

No appearance (for R3 to R5)

O R D E R

Heard Mr. N.G.R.Prasad, Learned Counsel appearing for the Petitioners and Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Original Petitioner, viz., Dr. R.Anthony Raj, while working as Assistant Professor of History in the college of the Third Respondent at Ponneri in Tiruvallur District was transferred to V.C.Sivalingam Government Arts and Science College, Poolangurichi by Order in Na. Ka. No. 4158/D3/2019 dated 04.03.2019, which is challenged in this Writ Petition. This Court during the hearing on 18.06.2019 ordered status quo to be maintained till 21.06.2019. It is informed that in view of that interim order, the Original Petitioner continued to work in the same place till 03.06.2021 when he died.

3. The legal position is well established as held by the Hon'ble Supreme Court of India in Union of India -vs- S.L.Abbas [(1993) 4 SCC 357] that an order of transfer is an incident of service and unless it is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it.

4. Having due regard to the fact that the Original Petitioner has died after the filing of the Writ Petition, there does not appear to be any useful purpose served by venturing into the task of testing the validity of the impugned order viz-a-viz that legal position at this distance of time.

5. It is represented by Learned Counsel for the Petitioners that the period of service from March 2019 to June 2019 of the Original Petitioner has to be regularized for



payment of his salary, and that the wife and son of the Original Petitioner, who have been substituted as the Petitioners by order dated 22.03.2022 in W.M.P. No. 562 of 2022, would make necessary representation to the concerned authorities. In such circumstances, it is clarified that the Petitioners are not precluded from pursuing such recourse in accordance with law and no view has been expressed by the Court on the correctness or entitlement of their claim in that regard.

In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Secretary to Government of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director,
Directorate of Collegiate Education,
Chennai - 600 006.
3. The Principal,
Loganatha Narayanasamy Govt. College (Autonomous),
Ponneri,
Tiruvallur District - 601 204.

+1cc to M/s.Parvin Banu, Advocate, S.R.No.19324
+1cc to the Government Pleader, S.R.No.19541

W.P. No. 7185 of 2019

NRJK(CO)
SB(15/06/2022)