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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.NO.12921 OF 2022

K. Sathiyamurthy

...Petitioner

Vs.

- 1.The Secretary to Government,
The Department of School Education,
Fort St. George, Chennai.
- 2.The Commissioner of School Education,
O/o. Commissioner of School Education,
Nungambakkam, Chennai.
- 3.The Joint Director of School Education
(Personnel),
O/o. Joint Director of School Education,
Chennai - 600 006.
- 4.The Chief Education Officer,
O/o. Chief Educational Officer,
Kanchipuram District,
Kanchipuram.
- 5.The District Education Officer,
O/o. District Educational Officer,
Sriperumbudhur,
Kanchipuram District.

...Respondents

Prayer : Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No. 69836/C2/E1/2021 dated 10.03.2022 on the file of the 3rd respondent and consequential order passed by 5th respondent in Na.Ka.No. 1150/A1/2022 dated 30.03.2022 and quash the same as illegal, arbitrary and direct the 3rd respondent to issue posting order to the petitioner as Deputy Inspector of School in vacant post in the office of District Education Officer, Chennai (North) or any other place in the light of judgment of this Hon'ble Court in W.A. (MD) No. 254 of 2022 dated 25.03.2022 and based on the representation of the petitioner dated 09.04.2022, 22.04.2022 and 29.04.2022.



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For Petitioner : Mr.A.Thiyagarajan,
Senior Advocate for
Mr.S.Ramesh Kumar

For Respondents : Mr.P.Anandakumar,
Govt. Advocate

O R D E R

An order of administrative transfer issued in proceedings in Na.Ka.No. 69836/C2/E1/2021 dated 10.03.2022 transferring the writ petitioner from Sriperumbudhur, Kanchipuram District to Pazhaiyanur, Tiruvannamalai District is under challenge in this writ petition.

2. The petitioner was appointed as a Secondary Grade Teacher in the year 1995 and was promoted as Graduate Teacher (Tamil) in the year 2009 and thereafter, worked in various categories and finally, he was posted as Deputy Inspector of Schools in District Education Officer, Sriperumbudhur, Kanchipuram District in the year 2014. The petitioner has been serving for about 6 ½ years in the said place as Deputy Inspector of Schools. As per the Government's Transfer Policy, an employee is liable to be transferred after a period of 3 years in one place or station. The order impugned reveals that the petitioner has been transferred from Sriperumbudhur, Kanchipuram District to Pazhaiyanur, Tiruvannamalai District.

3. Transfer is incidental to service, more so, a condition of service. The power of judicial review under Article 226 of the Constitution of India cannot be invoked for the purpose of interfering with administrative transfers passed by competent authorities. The scope of entertaining a writ petition against an order of transfer is very limited, unless such orders are tainted with mala fides or issued by an incompetent authority, but not otherwise. Thus, High Court cannot interfere with the day to-day administration of the Government, more specifically, in the matter of administrative transfers. It is for the competent authority to take a decision for effective functioning of public offices.

4. In the present case, the petitioner is already serving as Deputy Inspector of Schools at Sriperumbudhur, Kanchipuram District for more than 6 years and he has been now transferred to Pazhaiyanur, Tiruvannamalai District on administrative grounds. If at all, any personal grievance exists, it is for the petitioner to approach the competent authorities for redressal. Contrarily, High Court cannot direct the authorities to post the petitioner in any post or place, which cannot be construed as an absolute right. Place or post can never be claimed as a matter



of choice by public servants. Thus, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition stands dismissed. No costs.

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Sd/-
Vacation Officer

// True Copy //

Sub Assistant Registrar

nv/arr

To

- 1.The Secretary to Government,
The Department of School Education,
Fort St. George, Chennai.
- 2.The Commissioner of School Education,
O/o. Commissioner of School Education,
Nungambakkam, Chennai.
- 3.The Joint Director of School Education
(Personnel),
O/o. Joint Director of School Education,
Chennai - 600 006.
- 4.The Chief Education Officer,
O/o. Chief Educational Officer,
Kanchipuram District, Kanchipuram.
- 5.The District Education Officer,
O/o. District Educational Officer,
Sriperumbudhur, Kanchipuram District.

+1cc to the Government Pleader Sr.No.31608

W.P.No.12921 of 2022

NRJK(CO)
RVM(26/05/2022)