



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM

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

W.P. NO. 3016 OF 2017

AND

W.M.P. NOS. 2911 AND 2912 OF 2017

N.Jayaprabha

... Petitioner

-vs-

1. The Chairman
Pondicherry Institute of
Post Matric Technical Education
Lawspet, Puducherry.
2. The Member Secretary
Pondicherry Institute of
Post Matric Technical Education
Lawspet, Puducherry.
3. The Commissioner for Person
with disabilities
Chief Secretariat, Union Territory of Puducherry
Puducherry.
4. The Principal
Womens Polytechnic College
Puducherry.
5. The Principal
Karaikkal Polytechnic College
Karaikkal.
6. P.Siyamala

... Respondents

Prayer:-

Writ Petitions 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 Second Respondent's order made in No. A/6/1/PIPMATE/2016/110 dated



03.02.2017 to quash the same, in so far as the Petitioner and the Sixth Respondent are concerned, so has to enable her to discharge duties as Lecturer, Women Polytechnic College, Puducherry and to consequently retain the Petitioner in the present station.

For Petitioner : Mr. L.Chandrakumar

For Respondents: Mr. T.M.Naveen (For R1, R2, R4 & R5)

Mr. T.Saikrishnan (For R6)

R3-No appearance

O R D E R

Heard Mr. L.Chandrakumar, Learned Counsel for the Petitioner, Mr. T.M.Naveen, Learned Counsel for the First, Second, Fourth and Fifth Respondents and Mr. T.Saikrishnan, Learned Counsel for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, while working as Lecturer, had been transferred from Karaikal Polytechnic College, Karaikal to Women Polytechnic College, Puducherry by Order No. A/6/1/1/PIPMATE/2016/A1/110 dated 03.02.2017 passed by the Second Respondent, which is challenged in this Writ Petition.

3. This Court at the time of admission on 06.02.2017 had granted an order of ad-interim stay of the operation of the impugned order.

4. It has been brought to notice that after the filing of the Writ Petition, the Sixth Respondent had been selected as Assistant Professor in Bharathidasan Government College for Women, Puducherry and she had resigned from the services of the First Respondent. Learned Counsel for the First, Second, Fourth and Fifth Respondents has also filed a memo dated 22.02.2022 to that effect, which is placed on record.

5. 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.



6. Having due regard to the fact that a period of more than five years have lapsed from the time of passing of the impugned order, it is improbable that the same circumstances that then existed still continues. In that backdrop, 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 the aforesaid legal position at this distance of time. Viewed from that perspective, it is made clear that the concerned authorities are not precluded from taking any fresh decision as the exigencies may require regarding the place of posting of the Petitioner in accordance with law and till then, the status quo as prevailing today shall be in force.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Chairman
Pondicherry Institute of
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Lawspet, Puducherry.
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Womens Polytechnic College
Puducherry.



5. The Principal
Karaikkal Polytechnic College
Karaikkal.

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+1cc to Mr.K.P.Jotheeswaran, Advocate, S.R.No.12448

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.11482

W.P. No. 3016 of 2017

RGN(CO)
PM/25/05/2022