



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P(MD)No.9954 of 2021

and

W.M.P(MD)No.7649 and 7651 of 2021

D.Loganayaki

:Petitioner

.vs.

The Director of Medical Education,
O/o.The Directorate of Medical Education,
Kilpauk,
Chennai-600 010

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 24.05.2021 and 27.05.2021 to post the petitioner in General Surgery Department in Erode Medical College, Erode.

For Petitioner
For Respondent

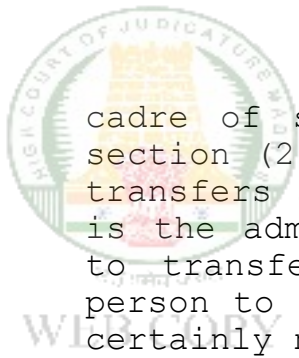
:Mr.R.Amardeep
:Mr.D.S.Nedunchezian
Government Advocate

O R D E R

The relief sought for in the writ petition is to direct the respondents to consider the petitioner's representations dated 24.05.2021 and 27.05.2021 and to post the petitioner in General Surgery Department in Erode Medical College, Erode.

2.The High Court cannot interfere with the routine administration of the Government Department. It is the prerogative of the competent authorities to run day to day administration in accordance with the rules in force. Therefore, public servants seeking transfer to a particular place cannot file a writ petition to consider their case. In the absence of establishing any right for transfer, no relief can be granted.

3.Transfer is an incidental to service. Moreso, a condition of service. The transfer of an employee, would not cause any prejudice to the service condition. Section 48 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, enumerates that transfer and post can be issued by the competent authorities. Sub-Section(1) of Section 48 of the Act, stipulates that "a member of a service or class of service may be required to serve in any post borne on the



cadre of such service or class for which he is qualified." Sub-section (2) of Section 48 of the Act, states that "all postings and transfers shall be made by the appointing authority". Therefore, it is the administrative power conferred on the competent authorities to transfer the employees. The competent authority is the best person to take a decision in respect of the transfers and posts and certainly not the High Court.

4.Certain guidelines are issued by the Government by way of instructions and such guidelines would not confer an absolute right for transfer to a particular place or post. Such guidelines are concessions or facilities provided to the Government Servants in effective and efficient public administration and such guidelines would not have the enforceability in law. Therefore, public servant is bound to serve wherever he/she is posted. If at all the order of transfer is issued by a competent authority or the order of transfer is issued with a malafide intension, then alone, the High Court can interfere with the order of transfer, but not otherwise.

5.However, in the present case, the petitioner seeks transfer to a particular place to suit her convenience. Such allegations or representations cannot be granted by the High Court in a writ proceedings.Thus, the petitioner has not established any right to entertain the writ petition. The relief sought for in this writ petition cannot be granted. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

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To
The Director of Medical Education,
O/o.The Directorate of Medical Education,
Kilpauk,Chennai-600 010

+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-14023[F] dated 24/03/2022)
+1 CC to M/s.SPL GP (SR-14255[F] dated 24/03/2022)

ORDER MADE IN
W.P(MD)No.9954 of 2021
and

W.M.P(MD)No.7649 and 7651 of 2021

23.03.2022

MK/07.04.2022/2P/4C