



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15576 of 2019

and

W.M.P (MD) Nos.12250 to 12252 of 2019

K.Thiruppathiraj

... Petitioner

-vs-

- 1.The Principal Secretary to Government,
Education Department,
Fort St.George, Chennai.
2. The Director of School Education,
College Road, Egmore, Chennai.
3. The Joint Director of School Education,
(Elementary Education),
College Road, Egmore,
Chennai.
4. The Chief Educational Officer,
Kanyakumari District.

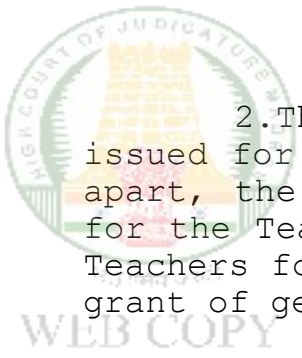
... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to Call for the entire records pertaining to impugned Government order in Clause 9(i) of the G.O.(ID).No.218 School Education (Pa.Ka.5(1)) Department dated 20.06.2019 issued by the 1st respondent and quash the same as illegal and consequently direct the respondents to permit the petitioner to participate in the counseling for general transfer including mutual transfer scheduled.

For Petitioner	: Mr.K.Sureshkumar
For Respondents	: Mr.G.V.Vairam Santhosh Additional Government Pleader

O R D E R

The general transfer instructions issued for the Academic year 2019-2020 in G.O(1D) No.280, School Education(Pa.Ka.5(1)) Department, dated 20.06.2019, is under challenge in the present writ



2.The impugned order itself reveals that the instructions are issued for general transfers for the academic year 2019-2020. This apart, the general transfer instructions would not provide a right for the Teachers. Such instructions are concessions granted to the Teachers for the purpose of participating in the counselling and for grant of general transfers.

3.Transfer is an incidental to service more so a condition of service and posting or the powers conferred on the competent authorities under Section 48 of the Tamil Nadu Government Servants (Conditions of Service) Act. Therefore, the challenge made in this regard is untenable and furthermore, the order impugned is relatable to the academic year 2019-2020 and after a lapse of three years, no further consideration is required.

4.The petitioner in the present writ petition sought for the relief to quash the clause 9(i) of the said order dated 20.06.2019 and direct the respondents to permit the petitioner to participate in the counselling for general transfer. Now on account of efflux of time the said relief cannot be considered and as far as the instructions are concerned, the same would not confer any right of the employee as transfer is an incidental to service and conditions of service. Accordingly, the writ petitioner has not established any right and the writ petition liable to be dismissed.

5.With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary to Government,
Education Department,
Fort St.George, Chennai.
2. The Director of School Education,
College Road, Egmore, Chennai.
3. The Joint Director of School Education,
(Elementary Education),
College Road, Egmore,



4. The Chief Educational Officer,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-13516[F] dated 22/03/2022)

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