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W.P.No.23631 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23631 of 2023

T.Lord Krishna

... Petitioner

Versus

1.The Director,
Backward Classes Welfare,
Ezhilagam Annexe Building II Floor,
Chepauk,
Chennai – 600005.

2.The District Backward Class,
Most Backward Class & Minorities Welfare Officer,
Tiruvannamalai.

3.M.Annavasai,
Warden-cum-tutor,
Government Polytechnic College Hostel (MBC),
Karapattu,
Tiruvannamalai 606 705.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to call for the records pertaining to the proceedings of the 2nd respondent in Na.Ka.No.2/67616/2021 dated 16.03.2022 and to quash the same as illegal, incompetent and ultravires and to consequently direct the 2nd respondent to transfer as Warden-cum-Tutor to Government Polytechnic College Hostel, Karapattu, Tiruvannamalai District.

For Petitioner	:	Ms.Sasi for Mr.A.Thiyagarajan
For R1 & R2	:	Mr.S.Rajesh, Government Advocate



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ORDER

This Writ Petition has been filed to call for records pertaining to the proceedings of the 2nd respondent in Na.Ka.No.2/67616/2021, dated 16.03.2022 and to quash the same as illegal, incompetent and ultravires and consequently, direct the 2nd respondent to transfer as Warden-cum-Tutor to Government Polytechnic College Hostel, Karapattu, Tiruvannamalai District.

2.The case of the Writ Petitioner is that he has joined the duty as Warden-cum-Tutor in Government Polytechnic College Hostel (MBC), Karapattu, Tiruvannamalai on 04.07.2019. Thereafter, the petitioner was additionally appointed as Warden-cum-Tutor for Government Polytechnic College Hostel (MBC), Thachampattu in the same district *vide* the proceedings of the 1st respondent in Na.Ka.No.B3/5730/2020, dated 03.02.2021. This being the position, the petitioner has been slapped with the impugned order, dated 16.03.2022 transferring him to the Government School Hostel (MBC), Thachampattu, Tiruvannamalai District. Challenging the same, the present Writ Petition has been filed.

3.Heard the submissions of the learned counsel for the petitioner



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and the learned Government Advocate appearing for the respondents 1 and 2 and perused the entire materials.

4.The impugned order has been challenged mainly on the ground that the petitioner has been transferred to Government School Hostel (MBC), Thachampattu, Tiruvannamalai District purposely. Further on the ground that the petitioner has already given representation, dated 09.03.2023 to the 2nd respondent for re-transfer, however the same has not been considered.

5.In such view of the matter, when the impugned order of transfer has been passed considering the interest of the students staying in the hostel and also having regard to the fact that the transfer has been effected only to a nearby place, that too within the same District, this Court is of the view that the order of transfer cannot be construed as punitive in nature, nor can be attached with any *mala fides* or motives. Therefore, I do not find any merits in this Writ Petition to interfere with the impugned transfer order, dated 16.03.2022 passed by the 2nd respondent and the same is hereby confirmed. Accordingly, this Writ Petition stands dismissed.



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6.Since the representation of the petitioner, dated 09.03.2023 is pending before the 2nd respondent, it is up to the 2nd respondent to consider the same on his own merits. No costs.

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Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

- 1.The Director,
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N.SATHISH KUMAR, J.
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