



WEB COPY

W.P. No.25174 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.25174 of 2023 and W.M.P. No.24600 of 2023

S. Umamaheswari

Petitioner

v

1 The Registrar General
High Court
Chennai 600 104

2 The Principal District Judge
Villupuram
Villupuram District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to call for the records pertaining to the order passed by the second respondent in his proceedings in A.No.57/2023 dated 10.04.2023 and quash the same insofar as the petitioner is concerned and direct the first respondent to reconsider the petitioner's representation dated 12.01.2022 for request transfer to Thiruvannamalai District.

For petitioner Mr. P. Ganesan
For respondents Mr. P. Kannan Kumar
Standing Counsel

ORDER

(made by K. RAJASEKAR, J.)

Mr. P. Kannan Kumar, learned Standing Counsel, accepts notice for

<https://www.mhc.tn.gov.in/judis>
the respondents.



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2 The petitioner's case, in brief, is as under:

2.1 The petitioner is working as a Typist in the Judicial Magistrate Court, Gingee, Villupuram District. Her husband is working as a Secondary Grade Assistant in the Panchayat Union Middle School, Melvannaianoor, Kalasapakkam Block, Thiruvannamalai District and he is staying with his children and aged parents in Thiruvannamalai District.

2.2 On the ground that she has to be with her family to take care of her aged in-laws suffering from age related ailments, the petitioner had given an application dated 11.01.2023 to the second respondent seeking request transfer, which has been turned down on 10.04.2023 without the same being forwarded to the first respondent. The reasons assigned in the official memorandum issued by the second respondent are extracted below:

“1. If the proposals of the above staff members were considered, it will create vacuum in the post of Typist.

2. No proposals in the cadre of Typist were received from other districts.”

2.3 Challenging the aforesaid official memorandum dated 10.04.2023 issued by the second respondent and also seeking a direction to the first respondent to re-consider the petitioner's representation dated 12.01.2022 for request transfer, this writ petition has been filed.



3 The main ground based on which the petitioner seeks transfer is that she needs to be with her children and aged in-laws who are suffering from age related ailments. It is her case that if she is transferred to Thiruvannamalai District, she will be in a position to serve the institution much better.

4 Be it noted, district transfer cannot be claimed as a matter of right and it depends on the availability of post in the district to which transfer is sought. In the case on hand, the second respondent has passed a reasoned order stating that there is no application from other districts to spare the services of the petitioner and if the proposal of the petitioner is considered, it will create vacuum in the post of Typist. In the absence of any *mala fides* attributed to the decision taken by the second respondent or lack of jurisdiction on her part to issue the impugned official memorandum, the same cannot be interfered with.

In the result, this writ petition fails and is accordingly dismissed, however, sans costs.

(S.V.N., J.) (K.R.S., J.)
28.08.2023

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W.P. No.25174 of 2023



S. VAIDYANATHAN, J.
and
K. RAJASEKAR., J.

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To

- 1 The Registrar General
High Court
Chennai 600 104
- 2 The Principal District Judge
Villupuram
Villupuram District

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