



W.A.(MD)No.1871 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

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and

C.M.P.(MD)No.14565 of 2023

1.The Vice Chancellor,  
Tamil Nadu Agricultural University,  
Coimbatore-641 003, Coimbatore District.

2.The Registrar,  
Tamil Nadu Agricultural University,  
Coimbatore-641 003, Coimbatore District.  
Vs.

... Appellants

1.A.Veeramani  
2.Babu

...Respondents

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.15236 of 2023, dated 05.09.2023 on the file of this Court.

For Appellants : Mr.A.Thirumurthy

For R1 : Mr.A.D.Ganeshamoorthi



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## **JUDGMENT**

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

This Writ Appeal has been instituted by the Tamil Nadu Agricultural University challenging the order dated 05.09.2023 passed in W.P.(MD)No.15236 of 2023.

2.The 1<sup>st</sup> respondent, who was holding the post of Professor in Agronomy and Nodal Officer, has instituted the Writ proceedings challenging the order of the administrative transfer dated 20.06.2023.

3.The governing legal principles in the matter of transfer of employees are well settled by the Constitutional Courts across the Country. No status can be claimed by the public servants in any post. Transfer is an incidental to service, more so, a condition of service. Thus, the Writ proceedings against the order of transfers are to be entertained only if such transfers are issued by the authority having no jurisdiction or tainted with the allegations of *mala fide*. In all other circumstances, an employee is liable to be transferred on administrative grounds or any other grounds for the betterment of public administration.



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4. In the present case, the 1<sup>st</sup> respondent, who was holding the post of Professor and Nodal Officer at Chettinad, was transferred to Agricultural College and Research Institute, Madurai in the existing vacancy. Such an order of transfer was issued by the appellants on administrative grounds, which cannot be interfered with by the Courts by exercising the power of judicial review under Article 226 of Constitution of India.

5. The main ground raised by the 1<sup>st</sup> respondent before the Writ Court was that the impugned order of transfer dated 20.06.2023 was issued by the Registrar without approval of the Vice Chancellor and therefore, the said transfer order is violative of Section 7(2)(d) of the Statute of ASR Chapter III of the Tamil Nadu Agricultural University Act, 1971. In this context, the 1<sup>st</sup> respondent presented his case before the learned Single Judge as if there was no approval from the Vice Chancellor and thus, the order of the transfer issued by the Registrar is non est in law. The learned Single Judge though recorded that the files are verified, not noted down the fact that originally approval was granted by the Vice Chancellor for the issuance of transfer order transferring the 1<sup>st</sup> respondent from Chettinad to Madurai.



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6.The learned counsel appearing for the appellants submitted the original file relating to the transfer order, which we have verified and found that the Deputy Registrar (Administration), Registrar and Vice Chancellor of University have signed the transfer orders issued for five persons working in the cadre of Professor and Nodal Officer, Assistant Professor, Special Officer, Associate Professor. Therefore, the order of transfer issued to the 1<sup>st</sup> respondent was not an isolated one but a combined transfer order issued to five persons working in various cadres and therefore, we could able to draw an inference that the order of transfer was issued on administrative grounds and for better administration.

7.The learned counsel appearing for the 1<sup>st</sup> respondent reiterated the grounds raised before the Writ Court that the Registrar of the University has independently passed the transfer order in violation of the statutes and there was no approval from the Vice Chancellor of the University and the learned Single Judge also recorded the same. That being the factum, this Writ Appeal is to be rejected.



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8.The learned counsel appearing for the appellants by producing the original files emphasized that factual aspects regarding the approval of the transfer order by the Vice Chancellor of the University were not considered by the learned Single Judge by mistake and therefore, the Writ Appeal is to be considered.

9.The appeal on hand is a case of simple administrative transfer. The 1<sup>st</sup> respondent was transferred from Chettinad to Madurai, which is not far of place. The 1<sup>st</sup> respondent is working in the cadre of Professor and that being the factum the very institution of the Writ proceedings challenging such administrative order cannot be appreciated by us. Teaching is a noble profession. The Professors in Agricultural University are playing vital role and imparting education to the students studying professional courses and their service are required as per the needs of the University. Thus, the transfer order challenged without even ascertaining the fact that the Vice Chancellor of the University has approved the transfer order is not entertainable.

10.In view of the facts and circumstances, we have no hesitation in arriving at a conclusion that the learned Single Judge proceeded with the facts,



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which is running counter to the original files. Thus, this Writ Appeal is to be considered. Accordingly, the order dated 05.09.2023 passed in W.P.(MD)No.15236 of 2023 is set aside and this Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(S.M.S., J.) & (V.L.N., J.)**

**30.10.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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**S.M.SUBRAMANIAM, J.**

**AND**

**V.LAKSHMINARAYANAN, J.**

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