



W.P.Nos.8399 & 8403 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.8399 & 8403 of 2024 and
W.M.P.Nos.9358 & 9360 of 2024

W.P.No.8399 of 2024

V.Sundar

...Petitioner

-Vs-

1.The Director of Sericulture,
Nethaji Nagar, Hasthampatti,
Salem-636 007.

2.The Joint Director of Sericulture (Head Quarters),
Nethaji Nagar, Hasthampatti,
Salem-636 007.

3.The Deputy Director of Sericulture (Admin),
Nethaji Nagar, Hasthampatti,
Salem-636 007.

4. The Assistant Director of Sericulture,
Foulkes Compound Anaimeedu, Salem-636 001.

...Respondents

Prayer in W.P.No.8399 of 2024: Writ Petition filed under Article 226 of the



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Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the impugned order of transfer dated 15.03.2024 bearing Proc.No.596/E4/2024-6, issued by the first respondent and set aside the same as illegal, unsustainable in law.

W.P.No.8403 of 2024

V.Suganthupriyan

... Petitioner

vs

1. The Director of Sericulture,
Nethaji Nagar, Hasthampatti,
Salem-636 007.
2. The Joint Director of Sericulture (Head Quarters),
Nethaji Nagar, Hasthampatti,
Salem-636 007.
3. The Deputy Director of Sericulture (Admin),
Nethaji Nagar, Hasthampatti,
Salem-636 007.
4. Assistant Director of Sericulture,
Thally Road, Denkanikottai,
Krishnagiri District-635 107.

... Respondents

Prayer in W.P.No.8403 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the impugned order of transfer dated 15.03.2024 bearing Proc.No.596/E4/2024-8, issued by the first respondent and set aside the same as illegal, unsustainable in law.

(In both W.Ps')



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For petitioners : Mr.C.P.Sivamohan
For respondents : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.K.Tamilvendan,
Government Advocate.

COMMON ORDER

These writ petitions have been filed challenging the order of transfer dated 15.03.2024 passed by the first respondent thereby transfer the petitioners from Salem District to Erode District and Krishnagiri District to Tenkasi District respectively.

2. The petitioners were initially appointed as Junior Inspector of Sericulture, Pennagarm, Dharmapuri District and Denkanikottai, Krishnagiri District respectively. Thereafter, transferred to Salem on 28.04.2017 on administrative grounds and also by willingness. Once again, the petitioner in W.P.No.8399 of 2024 was transferred from Salem District to Tiruppur District and he was posted at Udumalaipet by an order dated 10.05.2022. On request the petitioner was transferred by an order dated 02.03.2023 in the office of the Assistant Director of Sericulture, Attur, Salem District. Now,



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the petitioner was transferred from Assistant Director, Attur, Salem District to Assistants Director of Seiculture, Thalavadi, Erode District. The other petitioner in W.P.No.8403 of 2024 was now transferred from Krishnagiri District to Tenkasi District.

3. The learned counsel for the petitioner submitted that within a period of four years the petitioner is transferred for four times. Since, the petitioner is a co-operative member of of Sericulture Staff Association. The petitioner in W.P.No.8399 of 2024 has also preferred writ petition before this Court in W.P.No.15243 of 2020. Thereafter, issued legal notice dated 04.03.2024 to the Respondents 1 to 3 calling upon them to publish the revised list. He further submitted that his children was studying in School at Mount Mary Matriculation Higher Secondary School, Salem and has to take care of his parents.

4. The learned Additional Advocate General submitted that the petitioners has been transferred on administrative ground. If the petitioner is



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alleging any malafide grounds, he ought to have stated specific ground in the affidavit. That apart, along with the petitioners there are totally 10 Assistant Junior Inspector of Sericulture have been transferred and except the petitioner all others already joined in their transferred places.

5. On perusal of the records revealed that the petitioner did not raise any malafide allegations as against the respondents. Therefore, his transfer is inductive in nature and also not punitive in nature. Further, the petitioner was already relieved from his post as early as on 16.03.2024 itself. The transfer of the petitioners are incidental to the service conditions. Therefore, this Court cannot interfere with the order of transfer. However, the petitioners are at liberty to submit representation to reconsider his transfer. On receipt of the same, the first respondent is directed to consider the representation and pass orders in accordance with law.

6. With the above direction, these writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.



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26.03.2024

Index : Yes/No
Speaking/Non Speaking Order
Neutral Citation : Yes/No
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To

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G.K.ILANTHIRAIYAN,J.
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