



WEB COPY

W.P.No.19571 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.19571 of 2021
and W.M.P.Nos.20854 to 20856 of 2021

T.S.Viswalingam

... Petitioner

Vs.

- 1.The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Chennai 600 025.
- 2.The Government College of Technology,
Rep by its Principal,
Thadagam Road,
Coimbatore 641 013.
- 3.Technical Education Division,
Rep by its Executive Engineer,
Thanthai Periyar Government Institute of
Technology Campus,
Vellore 632 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in proceedings having Ref. No.23843/D2/2019 dated 03.09.2021 and quash the same in so far as the petitioner is concerned whose name appears in Serial No.13, promoting and transferring the petitioner as Assistant from Government College of Technology, Coimbatore to Technical



Education Division, Vellore and consequently direct the first respondent to issue orders promoting the petitioner as Assistant in the Government College of Technology, Coimbatore.

For Petitioner : Mrs.C.Uma for
Mrs.Nalini Chidambaram

For Respondents : Mr.C.Jayaprakash, GA

ORDER

This Writ Petition has been filed for quashment of the proceedings of the first respondent in Ref. No.23843/D2/2019 dated 03.09.2021 insofar as the petitioner is concerned whose name appears in Serial No.13, promoting and transferring the petitioner as Assistant from Government College of Technology, Coimbatore to Technical Education Division, Vellore and consequently, direct the first respondent to issue orders promoting the petitioner as Assistant in the Government College of Technology, Coimbatore.

2. Heard the learned counsel on either side and also perused the materials available on record. '

3.The first respondent has issued proceedings in



Ref.No.23843/D2/2019 promoting 36 Junior Assistants as Assistants. Out of the 36 Junior Assistants, 35 of them have been promoted and posted as Assistant in their respective colleges where they are presently working as Junior Assistants. The petitioner alone has been promoted and posted in a College which is 400 kms away from Coimbatore. For which, the petitioner gave several representations. Thereafter, the petitioner written a letter to the Chief Minister's Cell about the serious financial irregularities in the Technical Education Department and the Government College of Technology, Coimbatore but the same was rejected by accepting the explanation of the Principal. Again, the petitioner addressed a letter about the mal-administration in the Government College of Technology, Coimbatore to the Chief Minister's Cell, but there was no response. Instead of investigating the complaints and taking action against the officials, the petitioner has been punished for exposing corruption in the Government College of Technology, Coimbatore. Against which, the petitioner has filed the present petition.

4. The learned counsel for the petitioner submitted that instead of investigating the complaints made by the petitioner and taking action against the officials, the petitioner was punished. Any transfer for malafide reasons is



liable to be set aside as violative of Article 14 of the Constitution of India.

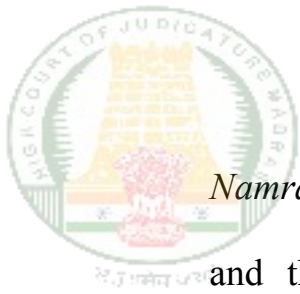
Since there are 10 vacancies available in the post of Assistant in the Government College of Technology, Coimbatore, there is no impediment to promote the petitioner as Assistant in the said College.

5. The learned Government Advocate appearing for the respondents submitted that the petitioner has not made out any case for the continuation of interim order of Status Quo and he is not entitled to any of the relief claimed by him. He further submitted that the petitioner has not sustained any of his allegations and as to the reason for his non-joining at the transferred place. In support of his contention, he also relied on a judgment of the Hon'ble Supreme Court in the case of *Namrata Verma Vs The State of Uttar Pradesh and others*, in S.L.P.No.36717 of 2017. It is essential to extract paragraph Nos.2 and 3 of the said judgment, which reads as follows:-

“It is not for the employee to insist to transfer him/her and/or not to transfer him/her at a particular place. It is for the employer to transfer an employee considering the requirement.

The Special Leave Petition is dismissed.”

6. In the light of the judgment of the Hon'ble Supreme Court in



Namrata Verma's case as stated supra, the writ petition is devoid of merits and the same stands dismissed. Consequently, connected Miscellaneous Petitions are also closed. No costs.

29.08.2024

vk

Index : Yes / No

Speaking order / Non-speaking order

To

1. The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Chennai 600 025.
2. The Government College of Technology,
Rep by its Principal,
Thadagam Road,
Coimbatore 641 013.
3. Technical Education Division,
Rep by its Executive Engineer,
Thanthai Periyar Government Institute of
Technology Campus, Vellore 632 002.

VIVEK KUMAR SINGH, J.

vk



WEB COPY



W.P.No.19571 of

W.P.No.19571 of 2021
and W.M.P.Nos.20854 to 20856 of 2021

29.08.2024