



W.P.(MD).No.13656 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13656 of 2024
and WMP(MD) Nos.12030 & 12031 of 2024

S.Gomathi

... Petitioner

Vs

1. The Director General of Audit,
Audit Directorate,
Hindu Religious and Charitable Endowment Audit Department,
Chennai 600 035.
2. The Director (Full Additional in Charge),
Audit Directorate,
Hindu Religious and Charitable Endowment Audit Department,
Chennai 600 035.
3. The Deputy Chief Audit Officer,
Office of Deputy Chief Auditor,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned transfer Order in Se.Mu.Na.Ka.No. 4780/2024-2/A1, dated 19.06.2024 passed by the 2nd respondent and quash the same in so far as the petitioner is concerned and consequently directing the



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respondents to consider the petitioner's representation, dated 02.01.2024 on special category on medical grounds of petitioner's husband.

For Petitioner : Mr. K.Krishna

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

Heard Mr.K.Krishna, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader, for the respondents.

2.This Writ Petition has been filed challenging the impugned transfer Order in Se.Mu.Na.Ka.No. 4780/2024-2/A1, dated 19.06.2024 passed by the 2nd respondent and consequently to direct the respondents to consider the petitioner's representation, dated 02.01.2024.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.The petitioner has filed this writ petition challenging the transfer order, dated 19.06.2024, wherein, she was transferred from Madurai to Sivagangai District. Despite she has raised some special grounds by stating that



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her husband is an Epilepsy patient and she needs to be accommodated in Madurai District and the same has not been considered and transferred to Sivagangai District.

5. Even in the guidelines for transfer counselling, it is stated that preference will be given for differently-abled Government servants and Government servants, who have got special children. As far as the spouse is concerned, the guidelines doesn't say under what circumstances the spouse can be considered for getting any priority. Moreover, the petitioner has been transferred to Sivagangai district, which is a nearby district to Madurai.

6. The learned Special Government Pleader also submitted that the petitioner is working in Madurai District for more than 7 years. The petitioner cannot claim it as a matter of right that she should be allowed to continue in one and the same place and Sivagangai District is not so far away from Madurai District.

7. Since transfer is an incidence of service and priority during counselling can be given only in accordance with the seniority or any other



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special circumstances, the petitioner cannot challenge the impugned order by stating that it is illegal.

8. In view of the above observations, this writ petition is disposed of. However, the petitioner is at liberty to give a representation to the respondents to accommodate her in any of the place as per her choice, if there are any vacancies, considering her family circumstances. No costs. Consequently, connected miscellaneous petitions are closed.

26.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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Audit Directorate,
Hindu Religious and Charitable Endowment Audit Department,
Chennai 600 035.
2. The Director (Full Additional in Charge),
Audit Directorate,
Hindu Religious and Charitable Endowment Audit Department,
Chennai 600 035.
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R.N.MANJULA, J.

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**ORDER IN
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and WMP(MD) Nos.12030 & 12031 of 2024**

26.06.2024