



W.P(MD)No.25851 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.25851 of 2022

and

W.M.P(MD)Nos.19984 of 2022 & 24317 of 2023

Dr.P.Prabakaran

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary,
Animal Husbandry Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner,
Animal Husbandry and Veterinary Services,
Chennai – 600 035.

3.The Regional Joint Director,
Animal Husbandry Department,
Kottapattu, Trichy – 600 023

4.The Assistant Director,
Animal Husbandry Department,
Musiri, Trichy District – 621 211.

5.Dr.Divyakumari,
Veterinary Assistant Surgeon,
Melsenkattupatti Veterinary Dispensary,
Melsenkattupatti,
Thuraiyur Taluk,
Trichy District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent in Na.Ka.No.14629/M2/2022-1, dated 02.11.2022 and consequential order of the 3rd Respondent in Na.Ka.No.3760-Aa-2022, dated 08.11.2022 and quash the same as arbitrary and consequently direct the respondents No.1 to 4 herein to retain the petitioner in Jadamangalam Veterinary Dispensary as Veterinary Assistant Surgeon.

For Petitioner : Mr.Jerin Mathew

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R1 to R4
Mr.L.Shaji Chellan for R5

* * * * *

ORDER

The instant writ petition has been filed by an Assistant Veterinary Surgeon, challenging his order of transfer from Jadamangalam, Musuri to Melsengattupatti, Musuri on administrative grounds.

2.According to the learned Counsel appearing for the petitioner, the fifth respondent herein who was working as Assistant Veterinary Surgeon at Sangagiri, Salem district got herself transferred to Melsengattupatti, Musuri division, on her own request on 09.04.2022. Within a period of seven months,



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she has made another request to get herself transferred from Melsengattupatti to Jadamangalam. Only to accommodate her, the petitioner has been transferred from Jadamangalam to Melsengattupattii.

3. According to the learned Counsel appearing for the fifth respondent submits that, considering her request, she has been transferred from Melasengattupatti to Jadamangalam and therefore, the order of transfer granted in her favour may be sustained.

4. The facts narrated above will clearly indicate that the fifth respondent has managed to get two request transfers within a period of seven months and the transfer of the writ petitioner has been effected only to accommodate the fifth respondent herein. In case, if the fifth respondent is inclined to give up her post at Melsengattupatti and to move to some other place, the request of the fifth respondent may well be considered in any vacant post.



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5.In the said circumstances, the order impugned in the writ petition is hereby set aside and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

04.09.2024

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

RJR



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R.VIJAYAKUMAR, J.

RJR

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