



WEB COPY

WP No. 20984 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 12-06-2025**

CORAM

**THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**WP No. 20984 of 2025**

**and**

**WMP Nos.23712 & 23714 of 2025**

S.Mythili  
D/o.P.Sugumar,  
4/165, Malaipatti Sevinthipatti (PO),  
Namakkal 621 215.

Petitioner(s)

Vs

1. The Director of Agriculture,  
Department of Agriculture,  
Directorate, Chennai-5

2.K.Suresh  
Agricultural Officer, Soil Testing  
Centre,  
O/o.Agricultural Assistant Director,  
Thiruvarur.

Respondent(s)



**PRAYER:** This Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent relating to the issue of impugned order No.VE A NI 1/42685/2025-11 dated 04.06.2025 and quash the same and consequently to direct the respondents to allow the petitioner to continue to work as Agriculture officer, Agricultural Deputy Director office (Agricultural Marketing) Namakkal.

For Petitioner: Mr.N.Subramaniyan

For Respondents: Mr.N.Naveen Kumar  
Government Advocate For R1  
and R2

**ORDER**

Challenging the order dated 04.06.2025 passed by the first respondent and also for consequential direction to the respondents to allow the petitioner to continue to work as Agriculture Officer, Agricultural Deputy Director office (Agricultural Marketing) Namakkal, the petitioner had filed the present Writ Petition.

2. Mr.N.Naveen Kumar, learned Government Advocate, takes notice on behalf of the respondents. By consent of the parties, the main writ petition is



taken up for disposal at the time of admission stage itself.

WEB COPY

3. The learned counsel for the petitioner would vehemently contend that the impugned transfer order dated 04.06.2025 is in contravention to G.O.Ms.No.10, dated 7th January 1994. It is the specific submission of the learned counsel for the petitioner that only to avoid the arbitrary transfer such guideline was implemented in the year 1994. However, he submitted that the petitioner's transfer is in violation of the above guidelines and apart from that the very reasoning given in the impugned order dated 04.06.2025, that the petitioner has served three years in the present station is factually incorrect as she has only completed 10 months of service at Uzhavar Sandhai Thiruchengode at Namakkal. It is also submitted that the petitioner is now in the family way of her second delivery and that she is having a baby aged about 2½ years. However, the first respondent without taking into consideration of all these aspects have arbitrarily transferred the petitioner. Challenging the same, the petitioner had filed the present Writ Petition.



WEB COPY

4. Per contra, Mr.N.Naveen Kumar, learned Government Advocate appearing for the respondents specifically objected to the contention made by the learned counsel for the petitioner and submitted that the transfer is a routine administrative transfer and that the petitioner has been serving at Namakkal District for more than 3 years and therefore, she comes within the transfer mandate. It is also submitted that there is no violation of G.O.Ms.No.10, dated 7th January 1994, as there is an exception to the general guidelines mentioned in Clause 3 of the G.O.Ms.No.10, dated 7th January 1994. Apart from that, the learned Government Advocate fairly submitted that if any representation is received from the petitioner, the same would be considered on its own merits and in accordance with law.

5. I have given my anxious consideration to the submission made by the learned counsel on either side and perused the materials available on record.

6. The main ground urged by the learned counsel for the petitioner is that the petitioner has served only for a period of 10 months at Namakkal.



WEB COPY

Therefore, he submitted that the reason assigned for transfer of petitioner by the first respondent is factually incorrect. However, as rightly contented by the learned Government Advocate, the petitioner has served for three years in Namakkal District as a whole, which is an appropriate criterion.

7. In such view of the matter, this Court finds force in the submission of the learned Government Advocate. It is also the submission of the learned Government Advocate that the rule is only a general criterion and it has got some exceptions and only after considering G.O.Ms.No.10, dated 7th January 1994, the transfer has been effected.

8. It is a well settled principle of law, that the transfer is an incidence of service and furthermore, unless transfer is *mala fied* and vindictive, the same cannot be interfered with.

9. In this case, though such violation had been referred to by the learned counsel for the petitioner even according to G.O.Ms.No.10, dated 7th January



1994, there is an exception. Therefore, the submission made by the learned

counsel for the petitioner that the guidelines have not been followed by the first

respondent cannot be fully accepted.

10. At this juncture, the submission of the learned counsel for the petitioner is that the petitioner is in her family way and that she is also having a child aged about 2½ years. It is in the background, the learned counsel submitted that, if any immediate direction is given to the petitioner to join at Thiruvavur, it would cause serious health issues.

11. Though this Court does not find any merit in the present writ petition, taking into consideration of the petitioner's health condition, this Court deems it fit to issue appropriate direction to the petitioner to give a representation to the Authority concerned, within one week from the date of receipt of a copy of this order, and on receipt of such representation, the first respondent shall consider the same and pass orders on its own merits and in accordance with law. Till consideration of petitioner's representation, the first respondent is restrained



from issuing the the relieving order.

WEB COPY

12. With the above directions, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

**12-06-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

jd

To

The Director of Agriculture,

Department of Agriculture,

Directorate, Chennai-5



WEB COPY

WP No. 20984 of 2025



**C.KUMARAPPAN J.**  
jd

**WP No. 20984 of 2025**

**12-06-2025**