



W.P.(MD).No.6015 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.6015 of 2025

and

W.M.P.(MD)No.4421 & 6294 of 2025

S.Saraswathi

... Petitioner

-vs-

1. The Joint Director of Elementary Education (Administration),
College Road, Chennai - 600 006.

2. The District Elementary Educational Officer,
Allinagaram, Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the Impugned Order passed by the 1st respondent dated 24.02.2025 bearing Na.Ka.No.000639/G1/2025 and consequential order passed by the 2nd Respondent dated 27.02.2025 bearing Na.Ka.No.854/A1/2023 and quash the same.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.M.Siddharthan

Additional Government Pleader



W.P.(MD).No.6015 of 2025

ORDER

WEB COPY

This writ petition has been filed challenging the impugned transfer order issued by the 1st respondent dated 24.02.2025 bearing Na.Ka.No. 000639/G1/2025 and consequential order passed by the 2nd respondent dated 27.02.2025 bearing Na.Ka.No.854/A1/2023.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Secondary Grade Teacher on 18.07.1988 in Theni District and she was promoted as Primary and Middle School Headmasters on 18.06.2001 and 08.03.2005 respectively. Thereafter, she was promoted as Additional Assistant Elementary Officer on 18.08.2010 and Assistant Elementary Educational Officer on 29.12.2021 and as Block Educational Officer on 29.12.2021. Now, the petitioner is presently working as Block Development Officer at Theni District. While this being so, the impugned orders have been passed by the respondents transferring the petitioner to Kanyakumari District. Challenging the said transfer orders, the petitioner is before this Court.



W.P.(MD).No.6015 of 2025

WEB COPY

4. The contention of the petitioner is that the transfer order even though as an administrative measure, is really punitive in nature, since the impugned orders have been passed on the basis of a complaint lodged against the petitioner. However, the petitioner is noway connected with the said allegations.

5. The learned counsel appearing for the petitioner submits that the petitioner is a widow, who is living with her unmarried daughter and hence, she finds difficulty to travel such a long distance. Hence, he seeks for quash of the impugned orders.

6. The learned Additional Government Pleader appearing for the respondents submits that no public or Government servant has any legal right to be posted at any particular place, since transfer of a Government servant from one place to another is not only a condition of service, but incident of service and hence, he urged this Court to dismiss the writ petition.

7. Heard the learned counsel on either side and perused the materials placed before this Court.



W.P.(MD).No.6015 of 2025

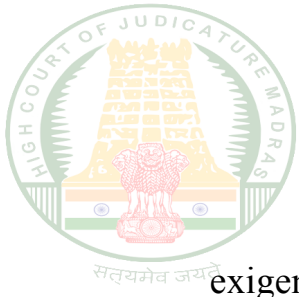
WEB COPY

8. The Hon'ble Supreme Court, in the case of ***Registrar General, High Court of Judicature of Madras vs. R. Perachi*** reported in ***(2011) 12 SCC 137***, has held that the provision of reasons in the transfer order, including reference to the alleged misconduct or complaints against the employee concerned, would not *per se* lead to the conclusion that the transfer is punitive and the relevant portion of the judgment reads as follows:-

“(c) The administrative exigencies that, in the opinion of the employer, necessitate transfer cannot be exhaustively enumerated and the court would not ordinarily substitute its view for that of the employer in such matters;

(d) A transfer would be construed as punitive or in lieu of punishment if, in the opinion of the court, there is sufficient evidence that such transfer is intended to be the punishment for the alleged misconduct. The provision of reasons in the transfer order, including reference to the alleged misconduct or complaints against the employee concerned, would not per se lead to the conclusion that the transfer is punitive;”

9. Further, transfer is a contingency of service and the employer has full discretion to transfer the employees on administrative exigencies. The impugned transfer order was made on administrative grounds and therefore, the same cannot be questioned by the employee. It is also well settled that transfer is an incident of service and transfer on account of administrative



W.P.(MD).No.6015 of 2025

WEB COPY

exigencies cannot be interfered with by Courts in exercise of judicial review unless the order of transfer is found to be mala fide.

10. In view of the above observations, this writ petition is dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

17.06.2025

NCC : Yes/No
Index : Yes / No
sm

TO:-

1. The Joint Director of Elementary Education (Administration),
College Road, Chennai - 600 006.
2. The District Elementary Educational Officer,
Allinagaram, Theni District.



WEB COPY



W.P.(MD).No.6015 of 2025

VIVEK KUMAR SINGH, J.

sm

Order made in
W.P.(MD)No.6015 of 2025

Dated:
17.06.2025