



W.P.(MD).No.16347 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16347 of 2025

and

W.M.P.(MD)No.12425 of 2025

B.Kubendran

... Petitioner

-vs-

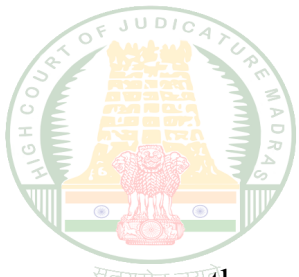
1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of Law,
Secretariat, St. George Fort,
Chennai - 600 009.

2.The Director,
Directorate of Legal Studies,
Purusavakkam, Kilpauk,
Chennai - 600 010.

3.The Principal,
Government Law College,
Dr.Thangaraj Salai,
Tallakulam, Madurai - 625 020.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent's impugned order dated 05.06.2025 in Proceedings Sa.Mu.Anai No.2686/A4/2025 and quash the same and consequently, direct respondents 1 and 2 to allow the petitioner to continue in



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the present College till the framing of transfer policy in the Department of Directorate of Legal Studies.

For Petitioner : Mr.I.Arockia Selvaraj

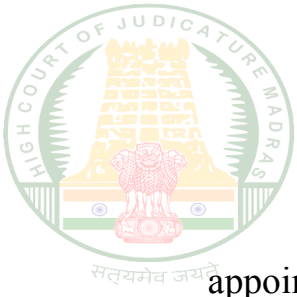
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned transfer order issued by the second respondent in Sa.Mu.Anai.No.2686/A4/2025, dated 05.06.2025 and consequently, seeking a direction to the respondents 1 and 2 to permit the petitioner to continue in service as Assistant Professor in the third respondent College, until a formal transfer policy is framed by the Department of Directorate of Legal Studies.

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

3. The learned counsel for the petitioner submits that the petitioner was appointed as Assistant Professor (Senior Scale) in the subject of Constitutional Law through the Teachers Recruitment Board and joined service on 07.06.2019 at the Government Law College, Madurai. His



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appointment was regularized by proceedings of the first respondent in Proc. No.2689/A4/2023, in accordance with the Tamil Nadu Educational Legal Service Rules.

4. The learned counsel for the petitioner further submits that the petitioner has rendered nearly six years of unblemished service, without any complaint, disciplinary action or pending enquiry. During this period, the petitioner has taught various subjects including Administrative Law, Human Rights, Criminal Procedure Code and Bharatiya Nagarik Suraksha Sanhita, though not his branch subject of Constitutional Law, as per the timetable allotted by the third respondent.

5. It is submitted that despite such service, the petitioner has been transferred from Government Law College, Madurai to Government Law College, Ramanathapuram, by the impugned transfer order dated 05.06.2025 in Sa.Mu.Anai No.2686/A4/2025, on purported administrative grounds. The transfer was effected without any prior request from the petitioner and no specific reasons have been disclosed in writing by the authorities, thereby, violating the principles of natural justice.



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6. The learned counsel for the petitioner further submits that the transfer is stated to be arbitrary, unreasonable and *mala fide* and is contrary to the ratio laid down by the Hon'ble Supreme Court in the case of **Somesh Tiwari vs. Union of India** [(Civil Appeal No.7308/2008)] and **National Hydroelectric Power Corporation Ltd. vs. Shri Bhagwan and Shiv Prakash** [(Civil Appeals Nos.1095 & 1096 of 2001)].

7. Furthermore, the learned counsel submits that despite the existence of subject-specific recruitment in Government Law Colleges in line with the judgment in **N.Gowthaman vs. State of Tamil Nadu & others.** [W.P.No. 10930 of 2010], several colleges are facing an acute shortage of subject teachers for L.L.M. students in specialized branches like, Taxation Law, Constitutional Law and Environmental Law due to arbitrary and uneven transfer practices. The learned counsel for the petitioner, therefore, seeks a direction to the respondents to set aside the impugned transfer order and permit the petitioner to continue as Assistant Professor in Government Law College, Madurai, at least until a proper and transparent transfer policy is framed by the Directorate of Legal Studies in the interest of academic and administrative consistency.



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8. The learned Special Government Pleader appearing for the respondents submits that the impugned transfer order dated 05.06.2025, passed in Sa.Mu.Anai.No.2686/A4/2025, is a routine administrative transfer issued in the interest of public service. It is submitted that transfers are incidental to service and no employee has a vested right to remain in a particular station or post, particularly in a Government institution.

9. It is further contended that the petitioner was not transferred arbitrarily or with any *mala fide* intent. The transfer was carried out in accordance with the administrative exigencies of the Department of Legal Studies, considering overall staffing patterns and availability of faculty across Government Law Colleges in Tamil Nadu.

10. The learned Special Government Pleader appearing for the respondents deny the allegation that the transfer was punitive or in violation of natural justice. It is emphasized that transfers on administrative grounds do not require a prior hearing, especially when they do not involve a stigma or disciplinary proceedings. The petitioner, admittedly, did not hold a permanent or tenure-bound position at the station in question.



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11. Insofar as the reliance placed by the learned counsel for the petitioner on various judgments including **Somesh Tiwari** [cited supra] and **N.Gowthaman** [cited supra] are concerned, the learned Special Government Pleader appearing for the respondents submit that those cases are factually distinguishable and not applicable to the present factual matrix. Moreover, it is submitted that faculty deployment across law colleges is done subject-wise, based on institutional needs and not for individual convenience. The learned Special Government Pleader for the respondents, therefore, submits that the writ petition is devoid of merits and liable to be dismissed.

12. After hearing the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and upon perusal of the records, this Court is of the considered view that no interference is warranted with the impugned transfer order.

13. It is a well-settled principle of service jurisprudence that transfer is an incidence of service and it is within the prerogative of the employer to effect such transfers to ensure administrative efficiency. Unless the transfer is shown to be actuated by *mala fides*, vindictiveness or in violation of statutory rules, Courts ought not to interfere.



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14. In the present case, the petitioner has not produced any cogent material to establish that the transfer is either punitive or tainted with *mala fide*. Mere allegation of unreasonableness or inconvenience cannot, by itself, be a ground for judicial review of a transfer order.

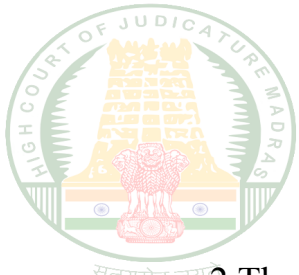
15. Further, the learned counsel for the petitioner's reliance on certain judgments is misplaced, as those cases arose in different factual and legal contexts. The learned Special Government Pleader appearing for the respondents has also brought to the notice of this Court that the transfer was made in accordance with administrative requirements and to address subject-wise faculty distribution across law colleges. In view of the same, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

19.06.2025

NCC : Yes/No
Index : Yes / No
smn2

TO:-

1.The Secretary to Government of Tamil Nadu,
Department of Law,
Secretariat, St. George Fort,
Chennai - 600 009.



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2. The Director,
Directorate of Legal Studies,
Purusavakkam, Kilpauk,
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3. The Principal,
Government Law College,
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VIVEK KUMAR SINGH, J.

smn2

Order made in
W.P.(MD)No.16347 of 2025

Dated:
19.06.2025