



W.A.(MD)No.2938 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.2938 of 2025

and

C.M.P(MD)No.16753 of 2025

M.Devaki

...Appellant

/Vs./

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director of Medical Education & Research (FAC),
Kilpauk, Chennai-600 010.
- 3.The Dean (FAC),
Kanyakumari Government Medical College,
Asaripallm- 629 201,
Kanyakumari District.

... Respondents

PRAYER:- Writ Appeal - filed under Clause 15 of the Letters Patent, to set aside the order of this Court in W.P.(MD)No.2938 of 2025 dated 29.08.2025.

For Appellants : Mr.V.Panneerselvam
for Mr.S.Nedunchezhiyan
For Respondents : Mr.M.Sarangan
Additional Government Pleader



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JUDGMENT

(Judgment of the Court was delivered by **C.KUMARAPPAN, J.**)

The appellant is the petitioner before the writ Court. She challenged a transfer from Kanniyakumari Medical College Hospital to Cuddalore Dental College Hospital. The learned Single Judge after having considered either side submissions, ultimately dismissed the writ petition. Aggrieved with the same, the appellant is before this Court.

2.The learned counsel for the writ petitioner/appellant would vehemently contend that the transfer of the writ petitioner from Kanniyakumari to Cuddalore is contrary to G.O.(2D)No.131, Health and Family Welfare Department, dated 20.11.2007. According to that Government Order, the transfer should be made in accordance with the Seniority of the candidates. In the case of the petitioner, there are many juniors still functioning at Kanyakumari Medical College Hospital, even then, the writ petitioner was transferred to Cuddalore in violation to the directives in the above said Government Order. Hence, he prays to interfere with the order of transfer.



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3.The said contention was stoutly objected by the learned Additional Government Pleader. He would submit that for the vacancy at Pudukottai and Cuddalore, inspite of counselling, no one had opted. He would further submit that the post of Assistant Professor, Peadodontics has to be filled up as per Dental Council of India (DCI) norms, otherwise the recognition to the dental college at Cuddalore would be at stake. Therefore, he would submit that there is no mala fide intention in such transfer and that the transfer being incidence of service, the petitioner cannot challenge such transfer on the ground of her convenience. Hence, he prays to dismiss this writ appeal.

4.We have given our anxious consideration to either side submission.

5.The prime contention put forth by the writ petitioner/appellant is that on the basis of G.O.(2D)No.131 dated 20.11.2007, only the juniors have to be first considered for transfer, whereas the petitioner, who is the senior most Dentist in Kanyakumari Medical College Hospital, was transferred. Therefore, her transfer has to be interfered.



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6.It is a well settled principle of law that the Government Order will have no force of statute, as the same are issued to bring transparency in the transfer policy. It is also a well settled principal of law that, the transfer being incidental to service, the same cannot be challenged, unless it is made with mala fide intention. Here admittedly, no such ground is raised by the writ petitioner as against the Administration, except the violation of the above Government Order.

7.While looking at the transfer order impugned in the writ petition, it is clear that such transfer was made with an intention to avoid disapproval of the Government Dental College at Cuddalore, as the faculty of Peadodontics is vacant and it was informed by DCI to fill the same. Therefore, to avoid any further consequences from DCI, the petitioner was transferred. Therefore, it is obvious that only upon administrative ground, the petitioner was transferred to Cuddalore. The same may cause some inconvenience to the petitioner, however, such inconvenience cannot be redressed in the writ jurisdiction, as this Court while exercising the power of judicial review cannot micro manage the administration.



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9. Therefore, we absolutely find no merit in the present appeal.

Hence, we are inclined to dismiss the writ appeal. Accordingly, this writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[A.S.M.J.] & [C.K.J.]
17.10.2025

Index : Yes/No
Internet : Yes
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To

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Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Director of Medical Education & Research (FAC),
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