



W.P(MD)No. 7416 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :05.06.2026

CORAM:

THE HONOURABLE MR JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No. 7416 of 2026
and
W.M.P.(MD) No.6091 of 2026

C.Arunkumar

... Petitioner

Vs

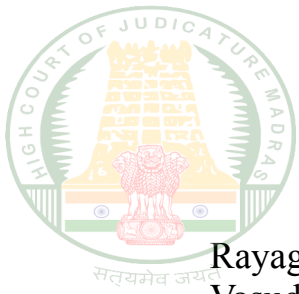
1. The Secretary to Government,
Department of Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department
Fort St. George
Chennai
Tamil Nadu - 600 009.

2. The Director,
Department of Animal Husbandry and Veterinary Services
No. 571, Anna Salai
Nandanam
Chennai
Tamil Nadu - 600 035.

3. The Joint Director,
Department of Animal Husbandry
Tenkasi Region
Tenkasi District.

4. S.Jaisurya
Veterinary Assistant Surgeon
Veterinary Dispensary

1/13



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Rayagiri
Vasudevanallur Block
Tenkasi Division
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in Na. Ka. No. 9564/M1/2026-189 dated 10.03.2026, quash the same and consequentially, direct the second respondent to transfer the petitioner to Rayagiri Veterinary Dispensary, Vasudevanallur Union, Tenkasi Division by considering the petitioner's representations dated 07.09.2025, 04.11.2025, 18.11.2025 and 05.03.2026.

For Petitioner	: Mr. T.Muhilan
For R1 to R3	: Mr.M.Dinesh Hari Sudarsan Counsel for Government of TN (Civil Side)
For R4	: No appearance

ORDER

Mr.M.Dinesh Hari Sudarsan, learned Counsel for Government of TN (Civil Side), takes notice for the respondents 1 to 3.

2. With the consent of both sides, this writ petition is disposed of at the admission stage.

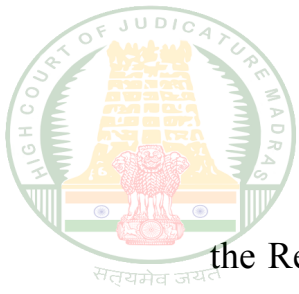


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3. Heard the learned counsel for the petitioner and the learned Counsel for Government of TN (Civil Side) appearing for the respondents 1 to 3.

4. Though notice is served on the fourth respondent, no appearance is entered.

5. The petitioner herein, who is working as Assistant Surgeon at Veterinary Dispensary, Neduvayal, Kadayanallur Block, Tenkasi District, claims to be a person suffering with 50% hearing disability and claims the benefit under the Rights of Persons with Disability Act, 2016. He made a request for transfer from Neduvayal to Rayakiri, Vasudevanallur Union, Tenkasi District by submitting a representation dated 07.09.2025 to the second respondent herein and also brought to the notice of the second respondent that the post at Veterinary Dispensary, Rayagiri, was vacant on that date. He also claimed that the said Rayagiri is very near to his native place and his wife is also working as Secondary Grade Teacher at Vasudevanallur Union and therefore, made a request for consideration. The said application submitted by the petitioner was also forwarded by



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the Regional Joint Director of Animal Husbandry, Tenkasi to the second respondent through proceedings in Na.Ka.No.7/Aa/2025 dated 24.09.2025. Thereafter, the petitioner once again submitted yet another representation dated 04.11.2025 and again on 18.11.2025 and 05.03.2026. However, the said request made by the petitioner was not considered by the second respondent. In the meanwhile, the second respondent, through impugned proceedings dated 10.03.2026, appointed the fourth respondent herein as the Veterinary Assistant Surgeon and posted him at Veterinary Dispensary, Rayagiri, Vasudevanallur Block, Tenkasi District, to which post the petitioner has been making request from the month of September 2025 onwards. Hence, the petitioner has chosen to challenge the said proceedings dated 10.03.2026.

6. According to the learned counsel for the petitioner, the challenge is only with regard to the posting of the fourth respondent in the Veterinary Dispensary at Rayagiri and not with regard to the appointment of the fourth respondent as Veterinary Assistant Surgeon as such.

7. The learned counsel for the petitioner has placed reliance on the



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orders issued by the Government in Letter No.92/S/09 dated 22.07.2009 and contended that the physically challenged Government servants in all groups A, B, C and D are required to be posted nearby their native place wherever possible. But the second respondent has failed to extend the said concession/benefit in favour of the petitioner. He also contended that the second respondent failed to consider the case of the petitioner for posting him at Rayagiri in spite of the fact that the same was forwarded by the Regional Joint Director to the second respondent as early as September 2025. He further submitted that the second respondent, while keeping the request of the petitioner pending, filled up the post of the Veterinary Assistant Surgeon at Veterinary Dispensary, Rayagiri by posting the fourth respondent herein in an arbitrary manner.

8. On the other hand, Mr.M.Dinesh Hari Sudarsan, learned Counsel for Government of TN (Civil Side) for the respondents 1 to 3, while reiterating the contentions raised in the counter affidavit, further contended that the request of the petitioner that was made in the month of September 2025 could not be considered because of the non-transferable period that operates from 1st July to 31st March every year in terms of the



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order issued in G.O.Ms.No.10, Personnel and Administrative Reforms Department, dated 07.01.1994. He further contended that the Court should not interfere with the process of transfer and the same is to be made by the competent authorities in the interest of public and for administrative reasons. He further contended that place or post can never be the choice of the employee and interference in the administrative power to transfer is beyond the scope of the power of judicial review. He further contended that this writ petition seeking transfer is not maintainable as the petitioner does not have any entitlement or right to seek transfer and particularly, mandamus cannot be sought to enforce such right.

9. This Court has heard the submissions made on either side and also perused the entire material on record.

10. It is not disputed that the petitioner herein is a person having 50% disability of hearing capacity. Though the specific ground is raised in the affidavit filed in support of the writ petition by placing reliance on letter dated 22.07.2009 issued by the Personnel and Administrative



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Reforms Department, the counter is silent with regard to the benefits that are being claimed by the petitioner by placing reliance on the said letter.

11. On the other hand, the counter affidavit proceeds to say that no employee can ask for transfer as a matter of right and no such right is conferred upon the petitioner. Such stand appears to have been taken by the respondents in total ignorance of the beneficial orders issued in the letter dated 22.07.2009. The guidelines issued in para 3 of the letter dated 22.07.2009 are in furtherance of the transfer policy of the Government and while making specific reference to G.O.Ms.No.10 dated 07.01.1994, wherein non-transferable period was prescribed, the said guidelines were issued. Paragraph Nos.3 and 4 of the said letter read as under:

3. This Government, after detailed examination, decided to issue fresh guidelines in the matter in tune with the guidelines issued by the Government of India as follows:-

- i) Physically Challenged Government Servants in all Groups viz. A. B. C and D shall be posted near to their native places wherever possible.*
- ii) The above concession may be considered subject to administrative constraints.*



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iii) Transfers effected based on administrative reasons and as a matter of disciplinary proceedings will not attract the concession ordered in item (i) . above.

4. The above guidelines shall be scrupulously followed by the Government departments.”

12. Though the petitioner has placed reliance on the above guidelines, stating that the above guidelines shall be scrupulously followed by the Government Departments, the second respondent has acted totally unmindful of the said proceedings by placing reliance on G.O.Ms.No.10 dated 07.01.1994. The second respondent has failed to take note of the fact that the guidelines referred to above have been issued by the Government duly taking into consideration the orders issued in G.O.Ms.No.10 dated 07.01.1994. Therefore, the stand of the respondents by referring to non-transferable period is totally irrelevant. It is only to cover up their inaction in considering the request made by the petitioner in the month of September 2025, the second respondent appears to have resorted to taking shelter under G.O.Ms.No.10 dated 07.01.1994. Such stand is wholly unsustainable and totally an irrelevant



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consideration.

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13. Further, the non-transferable period that is prescribed under G.O.Ms.No.10 is only for general transfer and not for the transfer on request. When the petitioner requested for transfer to Rayagiri Veterinary Dispensary by claiming his status as disabled person, in all fairness the second respondent ought to have treated the same duly taking into consideration the guidelines laid down in letter dated 22.07.2009. But, the second respondent failed to discharge his obligation under the said letter dated 22.07.2009 and kept the request of the petitioner pending in an arbitrary manner.

14. Coming to the other contentions with regard to the scope of interference of this Court in the matter of transfer, etc, on the ground that no such right is conferred upon the petitioner, in the considered view of this Court, such contention cannot be sustained, especially in the context of the letter dated 22.07.2009 issued by the Personnel and Administrative Reforms Department, which states that such guidelines shall be scrupulously followed by the Government Departments. The second



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respondent herein, an instrument of the State, is bound by the said guidelines. But, for the reasons best known, the second respondent failed to consider the case of the petitioner for his transfer to Veterinary Dispensary at Rayagiri, in total ignorant of the guidelines issued by the Government.

15. Having received the request made by the petitioner for his transfer from the Regional Joint Director on 24.09.2025, the second respondent, instead of considering the request made by the petitioner, in an arbitrary manner posted the fourth respondent herein, who is newly appointed Veterinary Assistant Surgeon, at Veterinary Dispensary, Rayagiri, thereby frustrating the request made by the petitioner for posting him for that particular post.

16. In the circumstances, it is bound to be concluded that the second respondent herein has failed to discharge his legal obligation, especially in the light of the guidelines laid down in letter dated 22.07.2009 r/w the provisions of the Rights of Persons with Disability Act, 2016, with special reference to Sub-section 5 of Section 20.



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17. Though notice is served on the fourth respondent, he has not chosen to enter appearance or contest the matter, thereby the fourth respondent has no interest in continuing at Veterinary Dispensary, Rayagiri. If at all, the fourth respondent is having any objection for the request made by the petitioner and his consequential relief, the fourth respondent would have chosen to contest the present writ petition. Because of the silence on the part of the fourth respondent, this Court is constrained to draw an inference as noted above.

18. Accordingly, this Writ Petition is allowed directing the second respondent to consider the request made by the petitioner through his representation dated 07.09.2025, which was forwarded by the Regional Joint Director through his proceedings in Na.Ka.No.7/Aa/2025, dated 24.09.2025 for transferring him to Veterinary Dispensary at Rayagiri, Vasudevanallur Block, Tenkasi District, where the fourth respondent is posted, duly taking into consideration the guidelines laid down through letter dated 22.07.2009 and the observations made hereinabove and pass appropriate orders as expeditiously as possible, at any rate within a period of six (6) weeks from the date of receipt of a copy of this order, if



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necessary, by putting the fourth respondent on notice. No costs.

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Consequently, connected miscellaneous petitions are closed.

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

05.06.2026

To

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Fishermen Welfare Department
Fort St. George
Chennai
Tamil Nadu - 600 009.

2. The Director,
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3. The Joint Director,
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MUMMINENI SUDHEER KUMAR.,J.

apd

ORDER MADE IN

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