



W.A(MD)No.842 of 2024 etc batch

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 02.07.2024**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**and**

**THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)Nos.842, 859 to 864, 876 to 888 and 939 to 960 of 2024**

**and**

**connected miscellaneous petitions**

**W.A(MD)No.842 of 2024:**

V.Luciana Margret Mary,  
Block Resource Teacher Educator,  
Block Resource Centre,  
Melur,  
Madurai District.

... Appellant

vs.

1. The Principal Secretary to Government,  
Department of School Education,  
Fort St.George,  
Secretariat,  
Chennai-600 009.

2. The State Project Director,  
Samagra Shiksha,  
D.P.I. Campus, Nungampakkam,  
Chennai 600 006.

3. The Director of School Education,  
EVK Sampath Maaligai, DPI Campus,  
College Road,  
Nungambakkam,  
Chennai-600 006.



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4. The Joint Director of School Education, (Personnel),  
EVK Sampath Maaligai, DPI Campus,  
College Road,  
Nungampakkam,  
Chennai 600 006.

5. The Chief Educational Officer, (Integrated School Education)  
O/o. The Chief Educational Officer,  
Madurai District, Madurai.

... Respondents

**Prayer :** Appeal filed under Clause 15 of the Letters Patent, against the order dated 10.04.2024 made in W.P(MD)No.27908 of 2023.

For Appellant : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.Veera Kathiravan

Additional Advocate General assisted by  
Mr.S.Shaji Bino, Special Government Pleader

### **COMMON JUDGMENT**

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

The appellants are Block Resource Teacher Educators [in short, 'BRTes']. They approached the Writ Court by filing separate writ petitions in a batch of cases in W.P(MD)No.27908 of 2023 etc., batch, challenging the orders passed by the Director of School Education dated 18.11.2023.

2. Under order dated 18.11.2023, these BRTes have been relieved from the respective posts to various other stations.



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3. The learned Writ Court, having considered the plea raised in the said batch of writ petitions, has ultimately dismissed the same, by directing those writ petitioners to join in the transferred places.

4. Aggrieved over the same, this batch of writ appeals has been filed. When this batch of writ appeals was heard by this Bench on 30.04.2024, we have passed the following order:

*"After hearing the learned Additional Advocate General appearing for the respondents and the learned counsel appearing for the appellants, we are inclined to make the following interim arrangement:-*

*(i)According to the learned Additional Advocate General, approximately, 725 vacancies in all 38 districts of the State of Tamil Nadu for the post of Block Resource Teacher Educator (BRTE) would be brought under general counselling to be undertaken in the month of May, 2024;*

*(ii)All the BRTEs., would be eligible to participate in such counselling;*

*(iii)Insofar as the present appellants, who are the writ petitioners, are concerned, they have been working in the present stations. Because of the continuous litigations, they will be able to retain in the same place till date.*

*(iv)However, such 105 vacancies, where these appellants are still retained, are also to be brought under counselling. Therefore, 725 vacancies approximately include these 105 vacancies also.*

*(v)In view of the same, these BRTEs., working in 105 stations will be immediately relieved by 30.04.2024 or 01.05.2024. In the transferred place, these 105 BRTEs., should join and report.*

*(vi)Thereafter, these 105 BRTEs., also can participate in the counselling to be conducted in the month of May, 2024 for the entire 725 vacancies.*

*(vii)Such a counselling shall be conducted based on the State-wide seniority, where the entire BRTEs., would be taken into account for the purpose of maintaining the State-wide seniority and accordingly, counselling*



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shall be conducted.

(viii) If a senior most person selects a place among the 725 vacancies, the moment he had selected, the place vacated by him is also to be shown as vacant for the purpose of the next man to choose, if he wishes. Like that, the counselling shall go on to fill up entire 725 vacancies.

2. If this arrangement is made, all the BRTEs., who wish to have transfer through counselling for these 725 vacancies based on their inter se seniority Statewide, would get a chance to participate in the counselling and most of them may get such places by way of transfer, by thus, the grievance of the majority number of BRTEs., would be redressed.

3. This interim arrangement shall be put in execution by the respondents strictly and scrupulously without any deviation and compliance report to that effect shall be filed before this Court during the next hearing date.

4. For the said purpose, post all these matters on 12.06.2024."

5. Pursuant to which, further orders had been passed by this Bench on 12.06.2024 which reads thus:

"When the Writ Appeals in W.A.(MD)Nos.842, 859 to 864 of 2024 came up for hearing on 30.04.2024, set of directions has been issued. Followed by the same, when the connected Writ Appeals in W.A.(MD)Nos.876 to 888 of 2024 came up for hearing, again further order has been passed on 07.06.2024 to the following effect:-

"The learned Additional Advocate General appearing for the respondents has produced a copy of the schedule of counselling to be conducted for Block Resource Teacher Educator (BRTE) on State basis by communication dated 07.06.2024. According to which, on 14.06.2024 and 15.06.2024, such counselling would be conducted by the respondents for BRTE, which is, in fact, in pursuance of our earlier order dated 30.04.2024 made in W.A.(MD)Nos.842, 859 to 864 of 2024.

2. A copy of the said proceedings has already been served on the learned counsel appearing for the appellants, who, on reading the same, has expressed his satisfaction that if such counselling is conducted as scheduled on 14.06.2024 and 15.06.2024, all the eligible BRTEs, including the appellants would be able to



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participate in such counselling as per the Statewide seniority and accordingly, they may choose the places, which are available, on their choice.

3.The said development, as has been discussed hereinabove, is taken on record.

4.It is made clear that the counselling is without prejudice to the rights of the respondents in converting the BRTE into B.T. Assistant vice versa.

5.In view of the same, post these matters on 24.06.2024 for further orders."

2.Since the Writ Appeals in W.A.(MD)Nos.939 to 960 of 2024 also have been filed with the similar prayer, the order dated 30.04.2024 followed by the order dated 07.06.2024 would also be made applicable to this batch. Therefore, there shall be a direction to that effect in this batch of cases also.

3.Post this batch along with W.A.(MD)No.876 to 888 of 2024 on 24.06.2024."

6. In response to those directions or interim orders granted by this Bench, the respondents had conducted the counselling for all the appellants numbering 105, to participate in the counselling and accordingly, they participated in the counselling.

7. Today, when this batch of cases is taken up for hearing, Mr.Veera Kathiravan, learned Additional Advocate General appearing for the respondents has given the following statistics:

நீதிமன்றத்தில் வழக்கு தொடுத்த 105 ஆசிரியர்  
பயிற்றுநர்களுக்கு நீதிமன்ற உத்தரவுப்படி நடத்தப்பட்ட பொது  
மாறுதல் கலந்தாய்வு ஜூன் 2024

1 நீதிமன்ற உத்தரவுப்படி பொது மாறுதல்  
கலந்தாய்வு நடத்தப்பட வேண்டிய  
ஆசிரியர் பயிற்றுநர்களின் எண்ணிக்கை

105



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- 2 நீதிமன்ற உத்தரவுப்படி பொது  
மாறுதல் கலந்தாய்விற்கு விண்ணப்பித்த  
ஆசிரியர் பயிற்றுநர்கள் எண்ணிக்கை 105
- 3 நீதிமன்ற உத்தரவுப்படி பொது  
மாறுதல் கலந்தாய்விற்கு விண்ணப்பிக்காத  
ஆசிரியர் பயிற்றுநர்களின் எண்ணிக்கை 0
- 4 பொது மாறுதல் கலந்தாய்விற்கு வருகை  
தராத ஆசிரியர் பயிற்றுநர்கள் எண்ணிக்கை 0
- 5 பொது மாறுதல் கலந்தாய்வில் கலந்துக்கொண்டு  
விருப்பமின்மை பதிவு செய்த  
ஆசிரியர் பயிற்றுநர்கள் எண்ணிக்கை 17
- 6 பொது மாறுதல் கலந்தாய்வில் கலந்துக்கொண்டு  
மாறுதல் பெற்ற ஆசிரியர் பயிற்றுநர்கள் எண்ணிக்கை
- |               |    |
|---------------|----|
| தமிழ்         | 17 |
| ஆங்கிலம்      | 24 |
| கணிதம்        | 21 |
| அறிவியல்      | 20 |
| சமூக அறிவியல் | 6  |
| கூடுதல்       | 88 |

| 5 | கீழ்க்கண்டவாறு முந்துரிமை அடிப்படையில் கலந்தாய்விற்கு விண்ணப்பித்த ஆசிரியர் பயிற்றுநர்கள் விவரம் | விண்ணப்பித்தவர் | விருப்பமின்மை பதிவு | வருகை புரியாதவர் | மாறுதல் பெற்றவர் |
|---|--------------------------------------------------------------------------------------------------|-----------------|---------------------|------------------|------------------|
| 1 | முற்றிலும் 100 சதவீதம் கண்பார்வை அற்றவர்                                                         | 0               | 0                   | 0                | 0                |
| 2 | மாற்றுதிறனாளிகள் (40 சதவீதம் அதற்குமேல் ஊனமுள்ளவர்கள் ) (கண்பார்வை குறைபாடு உள்ளவர்கள்)          | 2               | 0                   | 0                | 2                |
| 3 | மனவளர்ச்சி குன்றிய / மாற்று திறனாளி குழந்தை உள்ள பெற்றோர்                                        | 0               | 0                   | 0                | 0                |



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|         |                                                                                                                            |   |   |   |   |
|---------|----------------------------------------------------------------------------------------------------------------------------|---|---|---|---|
| 4       | விதவை / மனைவியை இழந்தவர்<br>/ நாற்பது வயது கடந்த<br>முதிர்கன்னியர் / சட்டபூர்வமாக<br>விவாகரத்து பெற்ற பெண்<br>ஆசிரியை      | 3 | 0 | 0 | 3 |
| 5       | சிறுநீரக மாற்று அறுவைசிகிச்சை<br>/ டயாலிசிஸ் சிகிச்சை / இருதய<br>மாற்று அறுவை சிகிச்சை / புற்று<br>நோயாளிகள் / மூளைக்கட்டி | 3 | 0 | 0 | 3 |
| மொத்தம் |                                                                                                                            | 8 | 0 | 0 | 8 |

இணை இயக்குநர் (பணியாளர் தொகுதி)

8. Therefore, all the 105 BRTes have participated in the counselling. Out of 105 BRTes, 88 BRTes have been given the chosen places. Sofaras the remaining 17 BRTes are concerned, since their willing places were not available, they could not get the places as they desired, through the said counselling.

9. Only in this context, learned counsel appearing for the appellants would submit that, insofar as these 17 BRTes are concerned, as per the earlier interim direction given by this Court, the exact vacancy which immediately caused because of the senior persons during the counselling choose places and the moment they choose the places, the places held by them got vacated and that should have been shown as vacant place and had it been shown as vacant



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place, these 17 BRTes also would have been in a position to choose their willing places, as most of such willing places had become vacant places because of the seniors having chosen places during the counselling.

10. Therefore, the learned counsel appearing for the appellants wants to re-do the counselling once again for these 17 BRTes.

11. In this context, learned Additional Advocate General appearing for the respondents has given further statistics, that is called, General Counselling June 2024, where, he has relied upon the following instructions given by the Joint Director:

பொது மாறுதல் கலந்தாய்வு ஜூன் 2024

|                                                                                             |      |
|---------------------------------------------------------------------------------------------|------|
| 1 கலந்தாய்விற்கு விண்ணப்பித்த<br>ஆசிரியர் பயிற்றுநர்கள் எண்ணிக்கை                           | 1625 |
| 2 கலந்தாய்விற்கு வருகை தராத<br>ஆசிரியர் பயிற்றுநர்கள் எண்ணிக்கை                             | 105  |
| 3 கலந்தாய்வில் கலந்துக்கொண்டு விருப்பமின்மை<br>பதிவு செய்த ஆசிரியர் பயிற்றுநர்கள் எண்ணிக்கை | 768  |
| 4 கலந்தாய்வில் கலந்துக்கொண்டு மாறுதல்<br>பெற்ற ஆசிரியர் பயிற்றுநர்கள் எண்ணிக்கை             | 752  |
| தமிழ்                                                                                       | 97   |
| ஆங்கிலம்                                                                                    | 140  |
| கணிதம்                                                                                      | 198  |
| அறிவியல்                                                                                    | 224  |
| சமூக அறிவியல்                                                                               | 93   |
| கூடுதல்                                                                                     | 752  |



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| 5       | கீழ்க்கண்டவாறு முந்துரிமை அடிப்படையில் கலந்தாய்விற்கு விண்ணப்பித்த ஆசிரியர் பயிற்றுநர்கள் விவரம்                     | விண்ணப்பித்தவர் | விருப்ப மின்மை பதிவு | வருகை புரியாதவர் | மாறுதல் பெற்றவர் |
|---------|----------------------------------------------------------------------------------------------------------------------|-----------------|----------------------|------------------|------------------|
| 1       | முற்றிலும் 100 சதவீதம் கண்பார்வை அற்றவர்                                                                             | 0               | 0                    | 0                | 0                |
| 2       | மாற்றுதிறனாளிகள் (40 சதவீதம் அதற்குமேல் ஊனமுள்ளவர்கள்) (கண்பார்வை குறைபாடு உள்ளவர்கள்)                               | 20              | 6                    | 3                | 11               |
| 3       | மனவளர்ச்சி குன்றிய / மாற்று திறனாளி குழந்தை உள்ள பெற்றோர்                                                            | 7               | 1                    | 0                | 6                |
| 4       | விதவை / மனைவியை இழந்தவர் / நாற்பது வயது கடந்த முதிர்கன்னியர் / சட்டபூர்வமாக விவாகரத்து பெற்ற பெண் ஆசிரியை            | 27              | 11                   | 5                | 11               |
| 5       | சிநுநீரக மாற்று அலுவலக சிகிச்சை / டயாலிசிஸ் சிகிச்சை / இருதய மாற்று அலுவலக சிகிச்சை / புற்று நோயாளிகள் / மூளைக்கட்டி | 8               | 1                    | 0                | 7                |
| மொத்தம் |                                                                                                                      | 62              | 19                   | 8                | 35               |

இணை இயக்குநர் (பணியாளர் தொகுதி)

12. Relying upon this statistics, Mr.Veera Kathiravan, learned Additional Advocate General would contend that, totally 1625 BRTEs participated. Out of this 1625 BRTEs, 768 BRTEs had expressed their unwillingness to choose the places. Remaining 752 BRTEs had chosen the willing places. Therefore, at this juncture, since the counselling has been closed already and for these 17 BRTEs alone, if yet another counselling is



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requested, the remaining 768 BRTEs, who had also been placed similarly to that of the 17 BRTEs that, they also could not get the willing places for want of vacancy, also will again re-apply. Therefore, it would open Pandora's box and such kind of continuous counselling cannot be undertaken by the department forever during a particular academic year.

13. The said submission made by the learned Additional Advocate General appearing for the respondents is to be accepted. The reason being that, in the counselling which has already been conducted insofar as all these appellants are concerned, they were given a chance to participate in the counselling. All these 105 appellants have participated, out of which, 88 have been benefitted. Only with regard to minimum number, that is, 17 appellants, as they could not get the exact willing places, the respondents cannot be blamed.

14. For such reason, if once again, the counselling is directed, that would be a counselling for all other remaining BRTEs also, who had been similarly placed like those 17 BRTEs which has already been given in the statistics as 768. Therefore, again, there will be a Marathon counselling which has to be conducted and that is not viable at this stage.



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15. Therefore, insofar as the 17 BRTEs are concerned, they have to wait for the next regular counselling, where, if they are willing to participate, they can make an application and participate. Therefore, there could be no special counselling as they sought for to be conducted for these 17 BRTEs.

16. Hence, the aforesaid developments are taken note of and recorded. As majority of the appellants have been given the benefit, no more indulgence can be shown by this Court in this batch of appeals.

17. Accordingly, all these Writ Appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.)

(G.A.M., J.)

02.07.2024

Index : Yes / No

Neutral Citation : Yes / No

bala

To

1. The Principal Secretary to Government,  
Department of School Education,  
Fort St.George,  
Secretariat,  
Chennai-600 009.



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2. The State Project Director,  
Samagra Shiksha,  
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**R.SURESH KUMAR, J.**  
**and**  
**G.ARUL MURUGAN, J.**

bala

4. The Joint Director of School Education, (Personnel),  
EVK Sampath Maaligai, DPI Campus,  
College Road,  
Nungampakkam,  
Chennai 600 006.

5. The Chief Educational Officer,  
O/o. The Chief Educational Officer,  
Madurai District, Madurai.

**COMMON JUDGMENT MADE IN**  
**W.A(MD)No.842 of 2024 etc., batch**  
**DATED : 02.07.2024**