

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.NO. 13578 OF 2007
(O.A.NO.1782 of 2003)

S.Selvi

... Petitioner

vs.

1. The District Elementary Officer
Madurai.
 2. The Assistant Elementary Educational Officer
Madurai West Panchayat Union
Madurai.
 3. The Director of Elementary Education
College Road, Chennai
 4. V.L.Mahalakshmi
Headmistress
Panchayat Union Primary School
Usilampatti
Madurai District.
- .. Respondents

PRAYER: This Writ petition came to be numbered under Article 226 of the Constitution of India by way of transfer of O.A.No.1782 of 2003 from the file of the Tamil Nadu Administrative Tribunal praying for Certiorarified Mandamus, to call for the records relating to the order of the first respondent dated 24.4.2003 issued in the reference number Na.Ka.No.1605/a5/2003 and quash the same and further direct the respondent to restore the petitioner as B.T. Assistant and to award the consequential benefits.

For Petitioner : Mr.R.Muthukannu

For RR 1 to 3 : Mrs. M.E.Rani Selvam
Additional Government Pleader

For 4th Respondent : No appearance

O R D E R

The present Writ Petition came on transfer from the file of learned Tamil Nadu Administrative Tribunal in O.A. No.1782 of 2003 as W.P. No. 13578 of 2007.

2. Mr. R. Muthukannu, learned counsel appearing for the petitioner submitted that the petitioner was appointed as Secondary Grade Teacher in the year 1986 and got promotion as Primary School Headmistress with effect from 28.02.2000. The petitioner was promoted as B.T. Assistant by order dated 29.11.2002. She has also joined in the post of B.T. Assistant on 11.12.2002. After a lapse of four months in order to accommodate the 4th respondent, by proceedings dated 22.04.2003 the first respondent issued a show cause notice to the petitioner calling upon her to submit her explanation as to why she should not be reverted back to the post of Headmistress of Primary School. Eventhough the petitioner who was given only two days time, managing within the two days, submitted a representation seeking not to be reverted, even before giving the explanation, on 24.04.2003 the petitioner was reverted. Learned counsel fairly submitted that within 48 days the petitioner was again re-promoted as B.T. Assistant.

3. Mrs. M.E. Rani Selvam, learned Additional Government Pleader, drawing attention of this Court to paragraphs 4 and 6 of the counter affidavit filed by the respondents submitted that on the relevant date when the petitioner was promoted as B.T. Assistant namely, on 29.11.2002 the erstwhile B.T. Assistant went on voluntary retirement. That place has to be filled up by a senior person from the panel and hence the post of Headmistress of Panchayat Union Middle School, Thenur was filled up. As per G.O. 373 Education dated 31.03.1989, if the Headmistress of a Middle School happens to be a B.T. qualified person the school should have the post of Tamil Pandit and the Headmistress and subject teacher should not be B.Ed. Teachers. Hence, the petitioner's post was converted as Tamil Pandit and she was reverted and posted as Headmistress of Primary School. However, subsequently, the petitioner was again promoted as B.T. Assistant by an order dated 12.06.2003 by the first respondent and she had also joined duty on 16.06.2003. Therefore, nothing survives in this Writ Petition.

4. Recording the statement of learned Additional Government Pleader and also the stand taken in the counter, the Writ Petition is closed. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

1. The District Elementary Officer
Madurai.
2. The Assistant Elementary Educational Officer
Madurai West Panchayat Union
Madurai.
3. The Director of Elementary Education
College Road, Chennai.

1 cc to Government Pleader, Sr.No3693

W.P.NO. 13578 OF 2007
(O.A.NO.1782 of 2003)

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