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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2015

Coram

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No.15108 of 2015

and

M.P. (MD) No.1 of 2015

A. Shameem John

: Petitioner

vs.

1. The Director of Elementary Education,
College Road, Chennai - 6.

2. The Chief Educational Officer,
Trichy, Trichy District.

3. The District Elementary Educational Officer,
Trichy, Trichy District.

4. The Assistant Elementary Educational Officer,
Manaparai, Manaparai Union,
Trichy District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari, calling for the entire records connected with the impugned order of the 3rd respondent vide Na.ka.No.4743/A3/2015, dated 17.08.2015 and consequential order passed by the 4th respondent vide Na.Ka.No.1240/A1/2015, dated 18.08.2015 and quash the same.

For Petitioner : Mr. S. N. Ravichandran

For Respondents : Mr. Aaiyuram K. Selvakumar
Govt. Advocate

ORDER

This Writ Petition has been filed by Tmt. A. Shameem John, who is presently working as a Secondary Grade Teacher in Municipal Primary School, Manaparai, Trichy District, challenging the impugned transfer order, dated 17.08.2015, deploying her to the Panchayat Union Primary School, Kallipatti, Manaparai, Tiruchirapalli District, inter alia contrary to the principle of last come first go.

<https://hcservices.ecourts.gov.in/hcservices/>
The learned counsel for the petitioner, assailing the impugned order would submit that when the Government issued G.O. Ms. No. 270, dated 10.07.2012 prescribing guidelines for deployment of surplus



teachers in the Panchayat Union / Municipal / Government Primary and Middle Schools stating that only junior most person could be transferred first and after exhausting the available junior, the senior should be considered for transfer, contrary thereto, the impugned order has been passed violating the said G.O.Ms.No.270, dated 10.07.2012.

3. Adding further he would submit that as on 01.01.2015 when the petitioner's seniority was fixed in S.No.3 and her name was found in S.No.1 for promotion to the post of Secondary Grade Headmaster, all of a sudden, the impugned order has been passed on extraneous consideration, so as to deny the promotion to the petitioner, as a result, the juniors are given promotion, which is again running contrary to the said Government Order. Therefore, the impugned order is liable to go out of same.

4. Concluding his argument, the learned counsel appearing for the petitioner would submit that, when the petitioner has given a representation on 26.07.2012, to the 3rd respondent, through the Headmaster, requesting that as per seniority, the order of deployment must be issued to the teacher, by following the principle of last come first go, the 3rd respondent ought not to have issued the impugned proceeding deploying her from Municipal Middle School, Manaparai to Municipal Primary School, Manaparai, contrary to the said Government Order. He has also submitted that the following teachers are juniors to her viz., P.Kavitha, R.Mahalakshmi, R.Sundarambal, R.Nirmala Devi and K.Tamil Selvi. In any event, when the petitioner has already given her representation on 26.07.2012, to the 3rd respondent requesting to follow the G.O.Ms.No.270, dated 10.07.2012. without following the same Government Order, the impugned order has been passed, is liable to be set aside.

5. The learned Government Advocate appearing for the respondents is unable to support the impugned order. It is an admitted case that the Government have issued G.O.Ms.No.270, dated 10.07.2012 prescribing guidelines for deployment of surplus teachers in the Panchayat Union / Municipal / Government Primary and Middle Schools clearly mentioning that the junior most person should be deployed first, applying the principle of last come first go. The petitioner has immediately after the said Government Order has given a representation on 26.07.2012, to the 3rd respondent through the Headmaster, requesting to follow the said Government Order. As per the seniority, the teachers viz., P.Kavitha, R.Mahalakshmi, R.Sundarambal, R.Nirmala Devi and K.Tamil Selvi, who are all juniors to the petitioner, but they have not been deployed. Therefore, this Court fully agreeing with the submission made by the learned counsel appearing for the petitioner that the petitioner has been wrongly transferred contrary to the said Government Order, is inclined to interfere with the impugned transfer order. Accordingly, the Writ Petition is allowed and the impugned transfer order is set aside and the respondents are directed to apply the principle of G.O.Ms.No.270, dated 10.07.2012 viz., last come first go and consider the last



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junior of the petitioner, if so advised. Consequently, connected miscellaneous petition is closed. However, there is no order as to costs.

Sd/-

Assistant Registrar (R)

/True Copy/

Sub Assistant Registrar

To

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College Road, Chennai - 6.
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- 4.The Assistant Elementary Educational Officer,
Manaparai, Manaparai Union,
Trichy District.

+lcc to Mr.K.K.Kannan, Advocate SR.No.53524

+lcc to The Special Government Pleader Sr.No.53593

akm/21.09.2015 /2p-7c/

W.P. (MD) No.15108 of 2015

10.09.2015