

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.19785 of 2016
and W.M.P.No.17088 of 2016

A.S.Ulaganathan

.. Petitioner

Vs.

- 1.The District Educational Officer
Chennai East
Chennai-600 094.
- 2.The Secretary
Pachaiyappa's Trust Board
Chennai-600 030.
- 3.The Headmaster
Pachaiyappa's College Hr.Sec.School
Chennai-600 001.
- 4.The Headmaster-Additional Charge
Govindu Naicker Secondary School
Chennai-600 001.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the proceedings of the 2nd respondent in Rc.No.A1/0934/2016, dated 31.05.2016 and quash the same.

For Petitioner : Mr.P.Selvaraj

For Respondents : Mr.P.Chinnadurai
Government Advocate
for R.1

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O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records pertaining to the proceedings of the 2nd respondent in Rc.No.A1/0934/2016, dated 31.05.2016 and quash the same.

3. The petitioner was appointed as a B.T.Maths Teacher in the 3rd respondent School, on 30.11.2006. It is an aided school, run by the 2nd respondent Trust. The 2nd respondent, by order dated 31.05.2016, posted the petitioner in the 4th respondent School, on deputation basis. The petitioner gave a representation, dated 01.06.2016, but, the same was refused to be received by the 2nd respondent. Hence, seeking to quash the order of deputation, dated 31.05.2016, this Writ Petition has been filed.

4. After elaborate arguments, Mr.P.Selvaraj, the learned counsel for the petitioner would submit that the action of the 2nd respondent in deputing the petitioner, without the approval of the 1st respondent and without his willingness, is arbitrary and he would be satisfied, if the interest of the petitioner is safeguarded insofar as posting him in the 4th respondent School, on deputation basis is concerned, by getting approval from the 1st respondent and that in case, if approval is not given, then the petitioner may be reverted back to the original place.

5. Mr.P.Chinnadurai, the learned Government Advocate, would submit that the question of posting on deputation basis is purely a discretionary exercise by the Management.

6. There is no quarrel over the fact that the posting on deputation basis is purely a discretionary exercise by the Management, but, before posting a person on deputation basis, the approval should have been obtained from the 1st respondent. Therefore, considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent, to seek necessary approval regarding the posting of the petitioner on deputation, if approval is already not obtained, from the 1st respondent, as expeditiously as possible. It is needless to mention that if approval is given, the petitioner shall join in the deputed place, if approval is not given, automatically, the petitioner shall be reverted back to the original place.

7. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

paa

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

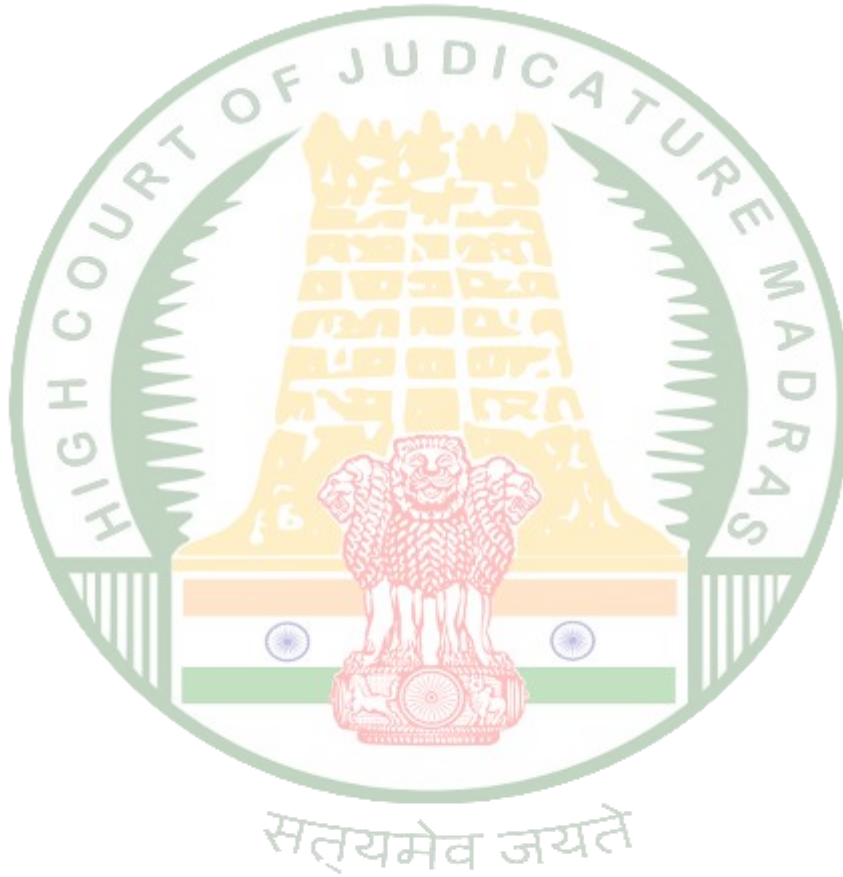
1.The District Educational Officer
Chennai East
Chennai-600 094.

+ 1 cc to Mr.P.Selvaraj, Advocate SR 31748

+ 1 cc to Govt.Pleader SR 31953

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