

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM

THE HONOURABLE MR.JUSTICE M. SATHYANARAYANAN

W.P. No. 32174 of 2016

&

W.M.P. No. 27911 of 2016

1. R. Dhanalakshmi
2. P. Kavitha
3. K. Ilavarasi ..Petitioners

Vs.

1. Director of Elementary Education,
DPI Campus, College Road,
Chennai 6.
2. District Elementary Educational Officer,
Salem.
3. Assistant Elementary Education,
Salem Urban Union, Salem. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to restore the petitioners' position in the Secondary Grade Teachers panel on the basis of the date of appointment in the Salem Urban Unit as reflected in the 2014 panel.

For Petitioner :: Mr.M. Gnansekar

For Respondents:: Mr.K. Dhananjayan,
Special Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The 1st petitioner would claim that she is a destitute widow and therefore, she applied under the special category "Destitute Widow" and she was appointed as Secondary Grade Teacher on 15.02.2009 and posted to Municipal Middle School, Salem Urban, Car Street, Salem. The 2nd petitioner was

appointed on 01.05.2009 as Secondary Grade Teacher and posted to Municipal Primary School, Manakkadu, Salem Urban, Salem and the 3rd petitioner was also appointed on the same date and posted to Municipal Primary School, Chevvapettai, Salem Urban. All the three petitioners are similarly placed with a common grievance.

3. The petitioners would state that the following persons were transferred from other Units to Salem Urban, on request, after the date of appointment of the petitioners:

S.No.	Name of the person	Place of Work	Date of joining mentioned in the panel	Actual date of joining
1.	S. Latha	Vaiyapuri Street	15.10.2010	15.10.2010
2.	A. Kamatchi	Pasubava guru Nathan Street	22.11.2009	30.05.2013
3.	G. Sheeladevi	Kalarampatti	22.09.2009	30.05.2013
4.	Simon Yuvaraj	Pachapatti	01.01.2011	01.01.2011
5.	Manopriya	Ellappan Street	01.01.2011	30.05.2013

It is the claim of the petitioners that since the above mentioned persons were transferred to Salem Urban, on their request, they should lose their seniority and they should be placed below the persons, who are already working in the said Unit. The petitioners would further state that the 3rd respondent has prepared a panel of Secondary Grade Teachers working in Salem Urban as on 01.01.2016 in which the names of the petitioners have been included at Serial Nos. 120, 121 and 122 respectively. According to the petitioners, despite the fact that they have been working in the same place, right from 2009 onwards, the juniors have been placed above the petitioners and the petitioners have not been given either notice or hearing before revision of their seniority.

4. The petitioners have also been subsequently transferred to other Units on deployment and all of them jointly submitted a representation dated 13.08.2016 to the 2nd respondent followed by another representation dated 16.08.2016 to the 1st respondent requesting to cancel the order of deployment. Though the said representations were received, the same were not given any disposal. The petitioners, in support of their case, also placed reliance upon G.O. (1D) No. 270 Education Department dated 10.07.2012.

5. Mr.M. Gnanasekar, learned counsel appearing for the petitioners would submit that as on today, the petitioners are aggrieved by the fact that they are not only losing their seniority in the transferred unit, they are also not in a position to get back their seniority in the place from where they were transferred. In this regard, a detailed representation has been submitted on 16.08.2016 by the petitioners to the 1st respondent. Since the said representation has not been given any disposal, the petitioners are constrained to file the present writ petition.

6. Heard Mr.K. Dhananjayan, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 3.

7. Though the petitioners pray for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioners, directs the respondents to consider the petitioners' representation dated 16.08.2016 and pass orders, in accordance with law, after putting on notice, all persons concerned, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. The interim order already granted is vacated and connected W.M.P is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. Director of Elementary Education,
DPI Campus, College Road,
Chennai 6.
2. District Elementary Educational Officer,
Salem.
3. Assistant Elementary Education,
Salem Urban Union, Salem.

+lcc to the Government Pleader Sr.73675

W.P. No. 32174 of 2016

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