



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) .Nos.16078 and 16079 of 2016

and

W.M.P (MD) Nos.11748 to 11751 of 2016

S.Uma

... Petitioner in both petitions

Vs

- 1.The Government of Tamil Nadu,
rep. By its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of Elementary School Ecuation,
D.P.I. Campus, College Road,
Nungambakkam, Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Sethuramanpillai Colony,
TVS Tollgate, Trichy - 20.
- 4.The Assistant Elementary Educational Officer,
Manikandam Union,
Manikandam Post,
Srirangam Taluk,
Trichy District.
- 5.Mrs.Helan Rosy,
Panchayat Union Middle School,
Somarasampettai,
Manikandam Panchayat Union,
Trichy District.

... Respondents in both Petitions

Prayer in W.P(MD)No.16078 of 2016 : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.2878/A3/20016, dated 13.08.2016 and quash the same.



Prayer in W.P(MD)No.16079 of 2016 : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned letter of the 2nd respondent in Na.Ka.No.024064/E1/2015, dated 22.07.2016, and quash the same in so far as directing to deploy junior most teacher in the Union and direct the 2nd respondent to deploy the junior most teacher in the school in which the students strength decreased.

For petitioner

in both Wps : Mr.M.Saravanan

For Respondents

in both Wps : Mr.T.S.Md.Mohideen A.G.P.,

COMMON ORDER

Tmt.S.Uma, after being appointed as a Secondary Grade Teacher in Panchayat Union Elementary School, Uthani, Thiruvavarur District on 11.12.2012 was transferred to Panchayat Union Middle School, N.Kuttapattu, Trichy District, on 28.08.2014, on administrative grounds. Again, on 17.08.2015, she was transferred to Panchayat Union Elementary School, Koyyathoppu, Trichy District, on deployment basis.

2. Learned counsel appearing for the petitioner submitted that when the petitioner is serving in the said school, the second respondent/Director of Elementary School Education, Chennai, has issued a Circular bearing Na.Ka.No.012788/J2/2016, dated 25.05.2016, stating that the Teachers and Headmasters have to take effective steps to admit students, who have completed 5 years and also to ensure that no student is dropped out from the school. The petitioner along with other teachers have been taking all possible steps to implement the said Circular, by visiting the nearby villages and collecting particulars of children and sometimes, they are meeting the parents regularly and make them to send their children to schools. In this regard, the Students-Teachers ratio is also properly maintained, therefore, when the petitioner has been taking efforts to maintain the Students-Teachers ratio by admitting new students, all of the sudden, she has been transferred from the said school, citing that the school, in which, the petitioner is working, is having surplus Teachers. Even as per the abovesaid Circular, Panchayat Union Elementary School, Koyyathoppu, Trichy District, is having 65 students, therefore, three teachers are mandatorily required to take classes to the children, however, ignoring the same, citing the reason that the petitioner is a Junior-most Teacher in the said Panchayat Union, hence, she has to be re-deployed, the respondents have transferred the petitioner to a far off place, namely, 90 k.m from the present school. Since the petitioner has recently undergone cesarean and also taking care of her 6 months old child, further, <https://hcservices.hcservices.gov.in/hcservices/> working at Trichy the re-deployment order posting the petitioner to a far off place, would cause huge prejudice, therefore, it is pleaded, the same is liable to be set aside.



3. Adding further, he would submit that instead of transferring the Junior-most person in the Union and also without taking note of the fact that the present school, in which, the petitioner is working, is having 65 students, and it requires minimum three teachers, the impugned order has been passed, re-deploying the petitioner from the present school to the Panchayat Union Elementary School, Lingampatti, Marungapuri Union, Trichy, thus, the same, he pleaded, is liable to be set aside.

4. Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader appearing for respondents Nos.1 to 4 replying to the above contentions drawing notice of this Court to the proceedings, submitted that the petitioner being placed at 116 rank in the Union, she is the Junior-most Teacher in the Union, therefore, finding that the present school, in which, she is working, is having surplus Teachers and the Union is having 38 Primary Schools, 12 Middle Schools, 116 Secondary Grade Teachers and 38 Headmasters the petitioner has been transferred in the interest of the students, hence, no fault can be found in the impugned re-deployment order. I fully agree with the said contention.

5. The further contention that the school, in which, the petitioner is working should have minimum three Teachers, since 63 students are presently studying therein, therefore, the petitioner ought not to have been transferred from the school is without any merits. Whenever, the school is found with surplus teacher, such teachers are being transferred to some other schools, where they are required, in the interest of the students, therefore, this Court cannot interfere in such transfer, as it would affect the welfare of the students.

6. At this juncture, learned counsel for the petitioner made a request to consider the petitioner's case for transfer to the Primary School at Idamalaipatti, if there is any vacancy. Replying to the said request, learned Additional Government Pleader would submit that as per the assessment made in that school, the Primary School at Idamalaipatti is found with surplus teachers, therefore, this Court is not inclined to consider the request of the petitioner.

7. In the result, both the Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar



To

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

2.The Director of Elementary School Ecuation,
D.P.I. Campus, College Road,
Nungambakkam, Chennai - 600 006.

3.The District Elementary Educational Officer,
Sethuramanpillai Colony,
TVS Tollgate, Trichy - 20.

4.The Assistant Elementary Educational Officer,
Manikandam Union,
Manikandam Post,
Srirangam Taluk,
Trichy District.

+2 ccs to Mr.R.Subramanian, Advocate, SR.No.48022

+One cc to The Special Government Pleader SR.No.48098

skn

RL/8C/4P/GSV/PM/14/9/2016

W.P(MD) .Nos.16078 and 16079 of 2016

29.08.2016