

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.709/2017 & WMP.No.735/2017

L.Subramani

.. Petitioner

Vs

1. The Principal Secretary to Government
State of Tamil Nadu, School Education
Department, Secretariat, Fort St George
Chennai 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road, Chennai 600006.
3. The District Elementary Educational Officer
Krishnagiri District, Krishnagiri.
4. The Additional Assistant Elementary Educational
Officer, Krishnagiri, Krishnagiri District

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to pass orders for posting the petitioner in the post of Secondary Grade Teacher in an existing vacancy in anyone of the Panchayat Union Schools, Krishnagiri Union, Krishnagiri District and to make the payment of arrears of salary from August 2015 onwards along with interest within a time frame to be fixed by this Court by considering the representation submitted by the petitioner dated 11.11.2016.

For Petitioner : Mr.G.Sankaran
For R1 to R4 : Mr.V.Anandamoorthy, AGP [Edn]

ORDER

By consent, the writ petition is taken up for final disposal. Mr.V.Anandamoorthy, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner was appointed as Secondary Grade Teacher on 21.03.2002 and was accommodated in Annamalaiyar Government Aided Primary School, Krishnagiri and got promotion to the post of Primary School Headmaster on 25.03.2007 and since the school building became dilapidated, the Correspondent of the School submitted an application for transfer of the School to another place during the academic year 2015-16. However, no orders have been passed, granting permission for shifting the school. The petitioner would further aver that on account of the condition of the school building, no fresh admission was made in the said school for the academic year 2015-16 and the students studying there, were given Transfer Certificates to get admission in other schools and as a consequence, the petitioner and two other teachers have become surplus and therefore, submitted representations to the 3rd respondent through 4th respondent on 15.06.2015 seeking their transfer to any other Government Panchayat Union Schools in the existing vacancies. The petitioner would also aver that his claim is genuine on account of the fact that the Annamalaiyar Government Aided Primary School sought to be closed and became non-functioning from June 2015 onwards and therefore, in all fairness, the petitioner should have been accommodated in any of the Government Panchayat Union Schools in the existing vacancy. The petitioner was also issued with an order dated 08.07.2016 by the 3rd respondent posting the petitioner as Secondary Grade Teacher in Namathu Matha Aided Primary School, Mathagondapalli, Krishnagiri District and when he reported, he was refused permission to join the same on the ground that it is a Minority Institution. The 3rd respondent issued another proceedings dated 15.07.2016, transferring him to St. John Bosco Aided Primary School, Hosur Union, Krishnagiri District and once again, necessary permission was refused to him to join the said School on the ground that it is also a Minority Institution. The petitioner now expresses the grievance that on account of the fact of posting him in Minority Schools, he was not permitted to join and as a consequence, he has not been paid with salary and he had also submitted a representation dated 11.11.2016 to the 1st respondent through the 3rd respondent and since he is yet to be favoured with any kind of response, he came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that in the light of G.O.Ms.No.36, School Education Department, dated 18.02.2016, coupled with Ruling 3 of FR 9

[6][b], the petitioner should have been given accommodation and since it has not been done so, he and his family members are suffering very much and therefore prays for appropriate orders.

4 Heard the submissions of Mr.V.Anandamoorthy, learned Additional Government Pleader appearing for the respondents perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to submit one more representation to the 3rd respondent within a period of three weeks from the date of receipt of a copy of this order and the 3rd respondent, on receipt of the same, shall entertain it and thereafter, forward necessary proposal through proper channel to the 1st respondent within a further period of three weeks thereafter and the 1st respondent, on receipt of such proposal from the 3rd respondent, is directed to consider the said proposal on merits and in accordance with law and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

सत्यमेव जयते

To

- 1.The Principal Secretary to Government
State of Tamil Nadu, School Education
Department, Secretariat, Fort St George
Chennai 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road, Chennai 600006.
- 3.The District Elementary Educational Officer
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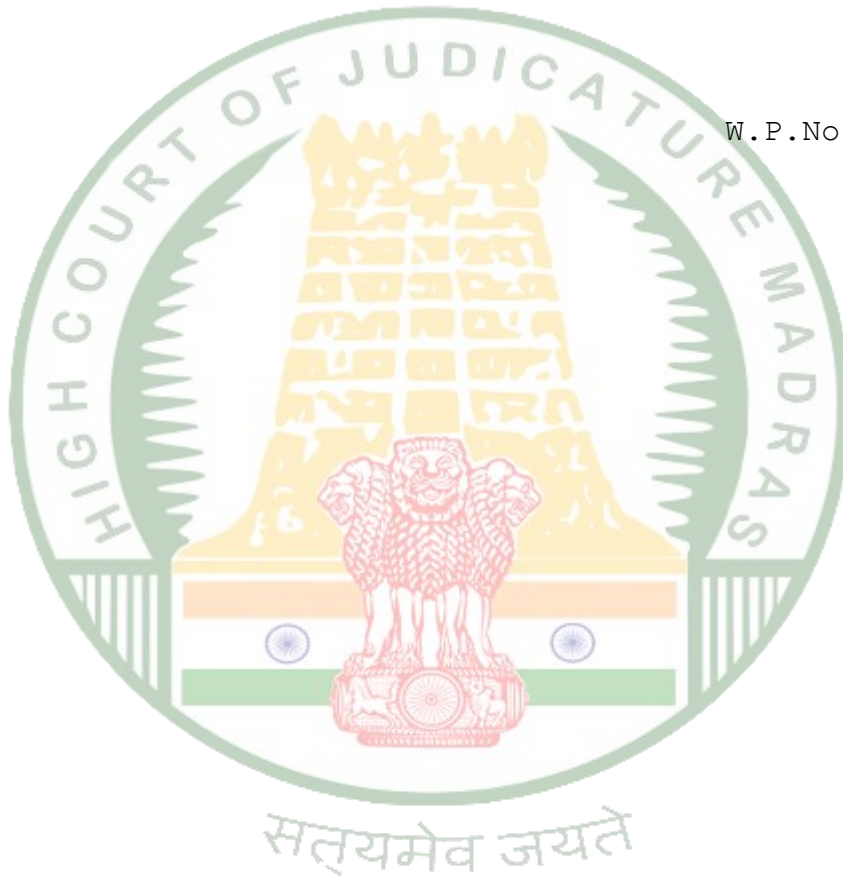
4.The Additional Assistant Elementary Educational
Officer, Krishnagiri, Krishnagiri District.

+1 CC to Mr. G. Sankaran sr 2806

+1 CC to Govt. Pleader sr 2637

VG1 (CO)
sp/1/2

W.P.No.709/2017



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