

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2017

CORAM

THE HONOURABLE MR. JUSTICE.T.RAJA

W.P. Nos.10632 & 10633 of 2017 and
W.M.P. Nos.11569 & 11570 of 2017

1.S.Ramu
2.G.Gnansoundari
3.J.Uma
4.S.Suguna
5.E.Sheepha
6.G.Ramani
7.B.Rajeshwari
8.P.Nagarajan
9.Angelina Kirba Shalini
10.M.SelviPetitioners in W.P. No.10632 of 2017
S.VijayalakshmiPetitioner in W.P.No.10633 of 2017

Vs.

1. The Secretary of School Educational
The Secretariat,
Fort. St.George, Chennai-600 009.
2. The Director of School Education
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Direct Personnel
DPI Campus, College Road,
Chennai -600 006.
4. The Chief Educational Officer,
Kancheepuram,
Kancheepuram District. Respondents in both cases

Prayer: Writ petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to permit the petitioners herein to participate in the counseling to be held in May to July for the year 2017 for the vacancies in the post of B.T. Assistant Maths in Kancheepuram District and by giving priority to the petitioners

for re-deployment as per Kancheepuram District wise seniority and post them in any High or Higher Secondary School in Kancheepuram.

For Petitioners : Mr.S.Silambanam,
Senior Counsel for
M/s. Kaavya Silambanan Assosiates.

For Respondents : Mr.K.Venkataramani,
Additional Advocate General,
assisted by
Mr.P.Sanjay Gandhi
Additional Government Pleader

COMMON O R D E R

The petitioners have filed these writ petitions seeking a direction to the respondents to permit them to participate in the counseling to be held in May to July for the year 2017 for the vacancies in the post of B.T. Assistant Maths in Kancheepuram District and by giving priority to them for re-deployment as per Kancheepuram District wise seniority and post them in any High or Higher Secondary School in Kancheepuram.

2.Heard both sides.

3.All the petitioners were originally appointed as B.T. Assistant in Kancheepuram District. However, due to reduction in the students strength in the respective schools, the petitioners/teachers, found as surplus teachers, were deployed to various schools in various districts outside the Kancheepuram District. Therefore, it is their claim that when they were all disturbed from their native district and posted to far away places outside the district, it is the duty of the respondent department to bring them back to their native district when vacancy arises. In this context, it is stated that now the transfer counseling is going to take place in May 2017. Therefore, a direction should be given to the respondents to consider the deployment of teachers on priority basis during the transfer counseling.

3.Learned Additional Advocate General appearing for the respondents would submit that the respondents department are ready to give preference to all the petitioners and similarly placed persons to take part in the counseling, but, as a matter of right, they are not entitled to get priority posting and if the petitioners are all deployed in the same place, without finding a substitute, it will be difficult for the respondent department.

4.This Court is not inclined to accept the said

suggestion. The reason is that the petitioners, on receipt of the deployment order on the ground that they were all excess teachers in a particular district, respectfully following the same, have gone back the place where they are deployed. Now when they want to come back to the native district, after experiencing long separation from their families, it is not fair on the part of the respondent department in not considering the case of the petitioners. Therefore, I do not find any difficulty or impediment for the respondents in considering them in the original places by giving them posting on priority basis. No doubt it is subject to the availability of vacancies only. Due to reduction in the students strength in the schools, when there was a compulsion for the department to effect deployment of excess teachers, they can be brought back to the same district as and when vacancy arises. Secondly, when transfer counseling takes place all over the State, as and when the vacancies arise in the respective district, the respondent department should always keep in mind the deployed people and shall give them priority subject to the seniority in Kancheepuram District. Accordingly, the writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

VGA

To

1. The Secretary of School Educational
The Secretariat,
Fort. St.George, Chennai-600 009.
2. The Director of School Education
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Direct Personnel
DPI Campus, College Road,
Chennai -600 006.
4. The Chief Educational Officer,
Kancheepuram,
Kancheepuram District.

+11CC TO Ms.Kaavya Silambannan,Advocate sr.36492

+1cc to Government Pleader sr.26457

W.P. Nos.10632 & 10633 of 2017

nrjk(co)

ss(15/5/2017)