

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-06-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.38170 of 2003

Kamatchipuram Hindu Nadar Primary
School, Represented by its Correspondent,
Dr.P.Patchaiammal,
Kamatchipuram,
Uthamapalayam Taluk,
Theni District. Petitioner

vs.

- 1.The Director of School Education (Elementary),
College Road,
Chennai-600 006.
- 2.The District Elementary Educational Officer,
Theni District.
- 3.The Additional Assistant Elementary Educational
Officer,
Chinnamannur Range,
Chinnamannur,
Theni District. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings made in Na.Ka.No.3666/A4/2003 dated 11.10.2003. on the file of the second respondent herein and quash the above order and direct the respondents to pay the salary to Mrs.Sheeba Rani Anbukani, Secondary Grade Teacher from 1.11.2003 onwards with all emoluments and benefits in so far as the petitioner is concerned.

For Petitioner : Mr.M.Joseph Thatheus Jerome

For Respondents: Mr.A.Zakir Hussain,
Government Advocate.

O R D E R

The order under challenge was issued by the District Elementary Educational Officer, Theni, in proceeding dated 11.10.2003, treating one Secondary Grade Teacher of the writ petitioner/Management as surplus and transferred the teacher to Saint Joseph Middle School, Hanumanthanpatti, Kambam, along with the post.

2. Though the said teacher, Smt.Sheeba Rani Anbukani, was transferred along with the post, the writ petitioner/school management moved this writ petition, challenging the said order and by virtue of an interim order granted at the stage of admission, the teacher is continuing in the writ petitioner/school itself.

3. On perusal of the impugned order, the said teacher Smt.Sheeba Rani Anbukani was treated as surplus on the sole ground that no required student strength of 1:40 as per G.O.Ms.No.525, School Education Department, dated 29.12.1997, existing at the time of inspection by the Educational Authorities. On this pretext, the impugned order was passed treating the said teacher as surplus and she was transferred along with the post.

4. As far as the said teacher is concerned, she may not have any grievance because the said order of transfer was issued along with the post and her service conditions are not violated. In respect of the management, in order to have the teacher strength in the school, they have moved this writ petition and at this point of time, any change of circumstances, the impugned order cannot be considered as erroneous and therefore, this Court is not inclined to consider other grounds raised in this writ petition.

5. The continuance of the said Smt.Sheeba Rani Anbukani, at this point of time will depend on the current students strength of the petitioner-school and it is left open for the Educational Authorities to conduct inspection in accordance with the Act and Rules and decide the matter as necessary.

6. With this observation, the writ petition stands disposed of, however, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn
To

- 1.The Director of School Education (Elementary),
College Road,
Chennai-600 006.
- 2.The District Elementary Educational Officer,
Theni District.
- 3.The Additional Assistant Elementary Educational
Officer,
Chinnamannur Range,
Chinnamannur,
Theni District.

+lcc to Mr.M.Joseph Thatheus Jerome, Advocate Sr.45467

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srg 07/07/2017

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