



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 03.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

and

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.A. (MD) No. 1522 of 2014

and

M.P. (MD) No. 1 of 2014

1. The Director of School Education,
College Road,
Chennai-6.
 2. The Joint Director of School Education (Personnel),
College Road,
Chennai-6.
 3. The Chief Educational Officer,
Virudhunagar District.
 4. The District Educational Officer,
Virudhunagar District.
- .. Appellants/Respondents

Vs.

V. Jawahar

.. Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order made in W.P.(MD).No.4114 of 2012 dated 17.04.2012 on the file of this Court and allow the writ appeal.

Prayer in WP(MD). 4114/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI FID MANDAMUS, calling for the records of the 1st Respondent in his proceedings in Na.Ka.No.63617/C2/E1/2008, dated 23-07-2008 in so far as the condition No.1 alone and quash the same and consequently direct the Respondents to place the Petitioner as Junior most B.T. Assistant below the approved probationer and above the unapproved probationer.

For Appellants

: Mr.T.S.Mohammed Mohideen,

Additional Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondent

: Mr.A.K.Manickam

**JUDGMENT**

(Judgment of the Court was delivered by **G.R. SWAMINATHAN, J**)

This writ appeal is directed against the order dated 17.04.2012 made in W.P.(MD)No.4114 of 2012 filed by the respondent herein.

2. According to the respondent, he was appointed as Junior BT Assistant in the Department of Elementary Education on 26.06.2004. He joined duty on 01.07.2004. His services were regularised on 01.06.2006 and his probation was declared on 31.05.2008. Thereafter, he was transferred from Elementary Educational Service to School Educational Service on 05.08.2008. Accordingly, he joined in the transferred place on 06.08.2008. However, in the order of transfer, a condition was imposed to the effect that the writ petitioner would be placed as Junior-most BT Assistant in the transferred unit. Aggrieved by the imposition of the said condition, the respondent herein filed W.P.(MD)No.4114 of 2012. The learned Single Judge quashed the said condition set out in the order dated 23.07.2008. Aggrieved by the allowing of the said writ petition, this intra court appeal has been filed.

4. Heard the learned Additional Government Pleader for the appellants and learned counsel for the respondent.

5. This Court in more than one decision had held that when a Government employee is transferred from one unit to another unit, he would be placed as the Junior-most among the approved probationers. If some body is undergoing probation in the transferred place, the person who had already completed probation cannot be placed below him.

6. The said consistent position was followed by the learned Single Judge and consequently, the writ petition filed by the respondent was allowed. We see no error in the said order passed by the learned Single Judge. There is no merit in this writ appeal.

7. This writ appeal is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar



To

1. The Director of School Education,
College Road,
Chennai-6.

2. The Joint Director of School Education (Personnel),
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Chennai-6.

3. The Chief Educational Officer,
Virudhunagar District.

4. The District Educational Officer,
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+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 70935/17.

MRN/VS

PSM/SV-MMS/SAR1/28.08.2017/3P/6C

Judgment made in
W.A. (MD) No.1522 of 2014
and
M.P. (MD) No.1 of 2014
03.08.2017