



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.12.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)Nos.11005 & 11203 of 2014

and

M.P(MD)Nos.1 & 2 of 2014 and 1 & 2 of 2014

W.P(MD)No.11005 of 2014

A.Rani

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Building,
College Road, Chennai.

2.The District Elementary Educational Officer,
Office of the District Elementary Education Office,
RMS Road, Madurai 625 001.

3.The Assistant Elementary Educational Officer,
Vadipatti Union, Madurai District. ... Respondents

W.P(MD)No.11203 of 2014

Vanmathi

... Petitioner

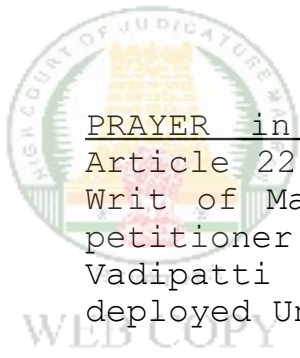
Vs.

1.The Director of Elementary Education,
DPI Building,
College Road, Chennai.

2.The District Elementary Educational Officer,
Office of the District Elementary Education Office,
Vadipatti Union, Madurai District.

3.The Assistant Elementary Educational Officer,
Vadipatti Union, Madurai District. ... Respondents

PRAYER in W.P.(MD)No.11005 of 2014: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to fill up the petitioner in any one of the Secondary Grade Teacher vacancies in Vadipatti Union redeploying her from Madurai East Union to her deployed Union of Vadipatti Union.



PRAYER in W.P.(MD)No.11203 of 2014: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to fill up the petitioner in any one of the Secondary Grade Teacher vacancies in Vadipatti Union redeploying her from Madurai East Union to her deployed Union of Vadipatti Union.

In both petitions:

For Petitioners : Mr.D.Ghandiraj
 For R1 to R3 : Mr.S.Kumar
 Additional Government Pleader

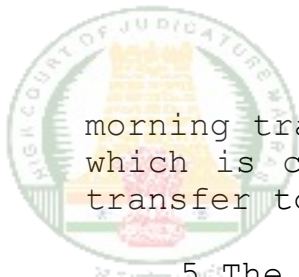
COMMON ORDER

These petitions have been filed by the petitioners to direct the second respondent to fill up the petitioners in any one of the Secondary Grade Teacher vacancies in Vadipatti Union redeploying her from Madurai East Union to her deployed Union of Vadipatti Union.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3.The learned counsel for the petitioners submitted that the petitioner in W.P.(MD).No.11005 of 2014 was appointed as a Secondary Grade Teacher by the first respondent, vide his proceedings in Na.Ka.No.0256 A/2008 dated 09.07.2008 in the Panchayat Union Primary School, Thiruchunai at Kottampatti Union, Madurai District and she has been working there up to the year 2010. The second respondent, vide his proceedings in Na.Ka.No.888/A5/2010, dated 02.08.2010, transferred the petitioner to Panchayat Union Primary School, Chithathipuram, Vadipatti Union. When she was working as a Secondary Grade Teacher in the Chithathipuram Primary School of Vadipatti Union, the second respondent posted the petitioner in the Panchayat Union Middle School, Kunnathur of Madurai East Union vide his proceedings in Na.Ka.No.2325/A5/2012, dated 30.07.2012 on the ground of 'Surplus'. The petitioner joined in the Panchayat Union Middle School, Kunnathur on 31.07.2012 and till date she is working there.

4.The learned Counsel for the petitioner in W.P.(MD).No.11005 of 2014 would further submit that the petitioner's residence is at Sholavanthan and she has two children, who are studying IX and VII Standard, her mother-in-law aged about 75 years, who is also residing along with the petitioner. Hence, it is difficult for her to wake up earlier in the morning, to do all the works and after sending her children to school, in a hurry, the petitioner leave the house to school. To reach the school in time, she has to take two buses i.e from Sholavanthan to Madurai and from Madurai City bus stand to Kunnathur. Thus, the petitioner has to spend 3 hours in the



morning travel and as well as 3 hours in the evening to return home, which is causing much hardship to the petitioner. Hence, she seeks transfer to any place of Vadipatti Union.

5. The learned Additional Government Pleader appearing for the respondents in W.P.(MD).No.11005 of 2014, has filed a counter affidavit stating that the petitioner was deployed to Madurai East block on 31.07.2012 and subsequently, general transfer took place in May 2013. The details of the teachers deployed to other blocks / unions are given as follows:

Sl .N o	Name of the Teacher	Date of Birth	Date of Entry into Service	Date of Probation	Date of entry into T.Vadipatti Block	Deployed Union
1	M.Deepak	12.05.82	29.02.08	29.02.08	24.06.09	Alanganallur and is back to T.Vadipatti in June 2013
2	S.Premkumar	09.01.81	02.03.05	31.05.08	02.08.10	Alanganallur
3.	A.Rani	23.04.71	09.07.08	08.07.10	02.08.11	Madurai East
4.	K.Vanmathi	02.06.75	20.07.09	-	02.08.12	Madurai East
5.	V.Jeeva	11.06.79	15.10.04	16.10.06	23.09.11	Allanganallur

6. The learned Additional Government Pleader appearing for the respondents in W.P.(MD).No.11005 of 2014, submitted that the above said seniority list was prepared by the third respondent in the year 2014 and every year deployment of surplus teachers and transfer within the block/union will be taken up first and in the resulting vacancies, if any, teachers deployed to other blocks/unions will be considered according to their seniority and the availability of vacancies. In 2014, one eligible secondary grade teacher vacancy arose in Panchayat Union Middle School, Mannadimangalam due to the retirement of Mrs.Kalaivani and the same was filled in through deployment by Mrs.S.Sumathi, a surplus Secondary grade teacher working in Panchayat Union Primary School, Kachaikatti, T.Vadipatti block/union on 24.06.2014. Another Secondary grade teacher vacancy caused by the retirement of Mrs.Elizabeth Rani, Panchayat Union Middle School, Thiruvudagam is converted as a B.T.Mathematics vacancy vide G.O.Ms.No.100 dated 27.06.2003 as the retired teacher was handling 6th standard. In the said place another B.T.Assistant, Panchayat Union Middle School Udayaservaikaranpatti of Narikudi Union has been transferred and posted.



7.He further submitted that only two vacancies were there in T.Vadipatti Union as on 01.06.2014 as aforesaid i.e Mannadimangalam and Thiruvudagam. The petitioner can verify the number of vacancies caused out of retirements, if she go through the list of seniority. She has not submitted before this Court with full list of seniority. The petitioner has desperately attempted to accuse the respondents without application of mind. The petitioner won't loss her seniority or promotion as she has been deployed to another block/union, because the petitioner's seniority is being maintained by the third respondent. The petitioner can find her name in the 2014 seniority list released by the third respondent.

8.The learned Additional Government Pleader further submitted that ignoring the vacancy caused to Thiruvudagam, which was converted to B.T.Assistant post, the other vacancy at Mannadimangalam alone was there to be filled up. It was filled up with Mrs.S.Sumathi, who was at S.No.102 in the seniority list. Petitioner is only at S.No.115. In fact above her, one Mr.S.Premkumar is at S.No.114 and he would be accommodated in the next vacancy. In the next vacancy i.e the second vacancy could be filled up by the petitioner herein.

9.The learned Additional Government Pleader appearing for the respondents in W.P.(MD).No.11203 of 2014 has reiterated the same contentions raised in W.P.(MD).No.11005 of 2014 and further stated that ignoring the vacancy caused at Thiruvudagam, which was converted to B.T.Assistant post, the other vacancy at Mannadimangalam alone was there to be filled up. It was filled up with Mrs.S.Sumathi, who was at S.No.102 in the seniority list. Petitioner is only at S.No.116. In fact above her one Mr.S.Premkumar is at S.No.114 and he would be accommodated in the next vacancy. In the next vacancy i.e second vacancy could be filled up by Mrs.A.Rani, the petitioner in W.P.No.11005 of 2014, who is at S.No.115. The next vacancy i.e the third vacancy could be filled up by the petitioner herein.

10.In view of the above, this Court directs the respondents to consider the petitioners' case rightly when the future vacancies arise, as per the seniority list maintained by the respondents without fail.

11.With the above observations, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

1.The Director of Elementary Education,
DPI Building,
College Road, Chennai.

2.The District Elementary Educational Officer,
Office of the District Elementary Education Office,
RMS Road, Madurai 625 001.

3.The Assistant Elementary Educational Officer,
Vadipatti Union, Madurai District.

4.The District Elementary Educational Officer,
Office of the District Elementary Education Office,
Vadipatti Union, Madurai District.

W.P (MD) Nos.11005 & 11203 of 2014
and

M.P (MD) Nos.1 & 2 of 2014 and 1 & 2 of 2014
19.12.2017

msa

JM/SV MMS/SAR 1/23.03.2018/5P/5C