



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.12888 of 2017

and

W.M.P. (MD) No.9978 of 2017

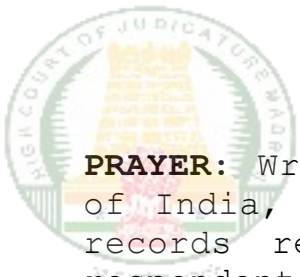
P.Thenmozhi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Secretariat,
Chennai - 9.
2. The Director of Elementary Education,
DPI Compound,
College Road,
Chennai - 6.
3. The Chief Educational Officer,
O/o.The Chief Educational Office,
Collectorate Campus,
Thandhoni malai,
Karur,
Karur District.
4. The District Elementary Educational Officer,
O/o.District Elementary Educational Office,
Collectorate Campus,
Thandhoni malai,
Karur, Karur District.
5. The Additional Assistant Elementary
Educational Officer,
O/o.Assistant Elementary Educational Office,
Aravakurichi Union,
Karur District.
6. T.Elango,
Secondary Grade Teacher,
<https://hcservices.courts.gov.in/services> Masuli,
Aravakurichi Union,
Karur District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the fourth respondent in his proceedings ந.க.எண்:1180/அ4/2017, dated 27.06.2017 [served to the petitioner only on 29.06.2017] and quash the same as illegal.

For Petitioner : Mr.M.Jerin Mathew
for Mr.M.E.Ilango

For Respondents : Mr.K.Guru
Additional Government Pleader

ORDER

The petitioner has questioned the correctness of the impugned order dated 27.06.2017, passed by the fourth respondent, District Elementary Educational Officer, Thandhoni Malai, Karur, Karur District, on the ground that when the petitioner was promoted as Elementary School Headmistress on 19.08.2015, she cannot be disturbed citing a reason that the respondents had to comply with an order dated 06.04.2011, passed by this Court in W.P.No.13931 of 2009, followed by an order dated 17.04.2017, passed in Cont.P.No.506 of 2017, wherein this Court has made a mention that T.Elango, sixth respondent herein is entitled to get the benefit of regularisation only for the limited purpose of seniority and promotion and not for any monetary benefit, disturbing the petitioner by way of reversion as contemplated in the impugned notice, is wholly untenable.

2.The petitioner was appointed as Secondary Grade Teacher on 28.07.1997 at Aravakurichi Union, Karur District and after transfer to Andanallur Union, Trichy District on 14.07.1998, she faced one more transfer to Aravakurichi Union on 04.09.2006 and thereafter, considering her unblemished service, she was promoted as Headmistress of Elementary School on 22.07.2013. While serving as Headmistress in the fourth respondent School, the petitioner was reverted to the post of Secondary Grade Teacher on 24.02.2014 on account of administrative reasons. After about one year, the petitioner was further promoted as Elementary School Headmistress on 19.08.2015, by including her name in the panel of Secondary Grade Teacher fit for promotion to the post of Elementary School Headmistress as on 01.01.2015. It is at that stage, the impugned notice has been issued calling upon the petitioner to submit her explanation as to why she should not be reverted again to the post of Secondary Grade Teacher.

3.Heard the learned counsel for the petitioner and the learned
Additional Government Pleader appearing for the respondents 1 to



4. This Court does not find any justification whatsoever on the part of the petitioner in approaching this Court for the abovesaid relief for the following reasons:

When the impugned notice issued to the petitioner shows that the fourth respondent was under compulsion to implement the order dated 06.04.2011, passed by this Court in W.P.No.13931 of 2009, wherein this Court directed the respondents 1 and 2 therein to regularise the services of T.Elango, sixth respondent herein with effect from 03.01.2002 only for the limited purpose of seniority and promotion and not for any monetary benefit, the said order has not been complied with. Therefore, the sixth respondent herein filed Cont.P.No.506 of 2017 for wilful disobedience and non-compliance of the orders passed by this Court dated 06.04.2011, in W.P.No.13931 of 2009. This Court disposed of the said contempt petition holding that the proceedings, dated 11.04.2017, passed by the fourth respondent regularising the services of T.Elango only for the limited purpose of seniority and promotion and not for any monetary benefit. Now, to implement the said order, the present impugned notice has been issued. As the petitioner has not challenged the order of regularisation, dated 11.04.2017, passed by the fourth respondent, she is not entitled to come to this Court, challenging the impugned notice, dated 27.06.2017, calling upon her to submit her explanation. Admittedly, the petitioner was appointed as Secondary Grade Teacher only in the year 1997, whereas the sixth respondent who registered his name in the Employment Exchange much prior to the petitioner, was denied appointment. Therefore, W.P.No.13931 of 2009 was partly allowed on 06.04.2011, regularising the services of the sixth respondent with effect from 03.01.2002. Hence, this Court is unable to find any merit in the Writ Petition. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat,
Chennai - 9.

2. The Director of Elementary Education,
DEET, Comprosecutors,
College Road,
Chennai - 6.



3. The Chief Educational Officer,
O/o.The Chief Educational Office,
Collectorate Campus,
Thandhoniimalai,
Karur,
Karur District.

4. The District Elementary Educational Officer,
O/o.District Elementary Educational Office,
Collectorate Campus,
Thandhoniimalai,
Karur,
Karur District.

5. The Additional Assistant Elementary
Educational Officer,
O/o.Assistant Elementary Educational Office,
Aravakurichi Union,
Karur District.

+1 cc to Mr.E.Ilango , Advocate in SR.No. 71075
+1 cc to The Special Government Pleader in SR.No.71268

smn2

AE/SV MMS/SAR3/11.09.2017/4P/8C

W.P. (MD) No.12888 of 2017
07.08.2017