

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.03.2018

Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.1572 of 2014

and M.P.No.1 of 2014

1. Director of School Education
College Road, Chennai 600 006.

2. Joint Director of School Education (Personnel)
College Road, Chennai 600 006.

3. The Chief Educational Officer
Cuddalore.

4. The District Educational Officer
Cuddalore.

... Appellants

Vs.

A.Ganesan

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 08.02.2011 made in W.P.No.27228 of 2010 on the file of this Court.

WP.No.27228/2010: Writ petition filed under Article 226 of the constitutions praying for a writ of certiorarified mandamus caling for the records pertaining to the order of the 2nd respondent made in Na.Ka.No.29918/C3/E1/2009 dated 25.09.2010 in so far as condition No.3 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.K.Karthikeyan
Government Advocate

For Respondent : No appearance

J U D G M E N T

[Judgment of the Court was delivered by K.K.SASIDHARAN,
J.]

The respondent was transferred from Panchayat Union Middle School to the Government Higher Secondary School pursuant to his request. While permitting such transfer, the Joint Director of Education, Chennai made it clear that he would be placed as junior most to all those B.T.Assistants who have already joined

in the School Education Department Service. Feeling aggrieved by the incorporation of condition no.3, the respondent filed the writ petition.

2. The writ petition was allowed by the learned single Judge by following an earlier decision in A.Mani vs. The Director of Elementary Education and others [2008 WRIT L.R.213]. The appellant has come up with this intra court appeal challenging the order passed by the writ court.

3. The learned Government Advocate, on instructions, submitted that the respondent would be placed below those employees whose probation has already been declared. According to the learned counsel, the respondent would be placed above those employees whose probation was not declared as on the date on which the respondent joined duty.

4. The transfer in question was made pursuant to the request made by the respondent. Since it was a request transfer, the Education Department was correct in imposing the condition that he would be junior to those who were already working in the School Education Department. The order is not clear as to whether the respondent would be placed even below those teachers whose probation is yet to be declared. We therefore, make the position clear that the respondent would be placed below those employees whose probation was declared prior to his joining consequent to the order of transfer. However, he would be placed above those employees whose probation is yet to be declared, taking into account the date on which the respondent joined the post in the transferee Department pursuant to the order dated 25 September, 2009.

5. The order passed by the learned single Judge is clarified to the limited extent indicated above.

6. The intra court appeal is disposed of with the above clarification. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gms

To

1. Director of School Education, College Road, Chennai 600 006.

2. Joint Director of School Education (Personnel), College Road, Chennai 600 006.

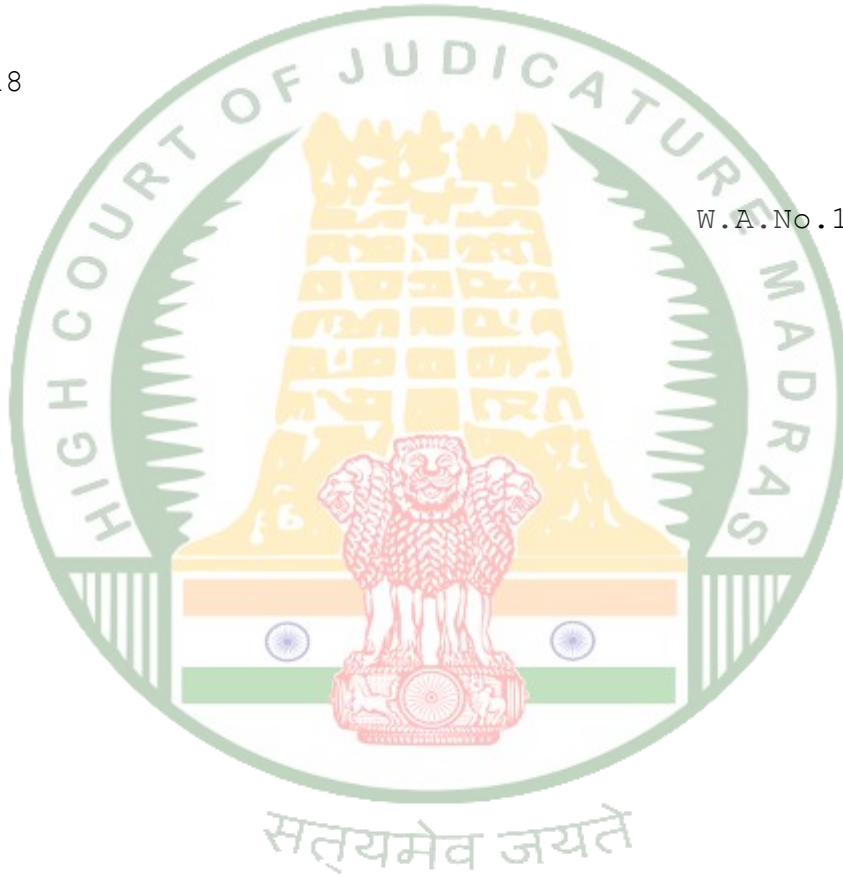
3. The Chief Educational Officer, Cuddalore.

4. The District Educational Officer, Cuddalore.

+1cc to Government Pleader SR.No.19225

RR(CO)
sm:8.5.2018

W.A.No.1572 of 2014



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