

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14805 of 2018

and

W.M.P.No17499 & 17500 of 2018

Tamil Nadu Junior Grade Teachers Welfare Association  
No.22, Senthil Nagar, Old Perungalathur  
Chennai - 600 063

Rep by its President  
K.Thiyagarajan, S/o.M.Kuppusamy .... Petitioner

Vs.

- 1.The State of Tamil Nadu  
Rep by its Principal Secretary to Government  
School Education Department  
Secretariat, Fort St. George  
Chennai - 600 009.
- 2.The Director of School Education  
DPI Campus, College Road  
Chennai - 600 006.
- 3.The Director of Elementary Education  
DPI Campus, College Road  
Chennai - 600 006. .... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.055838/C3/E1/2017 dated 16.04.2018 and to quash the same and consequently directing the respondents to conduct counselling for redeployment of surplus teachers following the norms and standards as prescribed under the Right of Children to Free and Compulsory Education Act, 2009 and the relevant Government Orders and as per the norms fixed under Sarva Shiksha Abiyan and Rashtriya Madhyamik Shiksha Abiyan Schemes, without any deviation and in the matter known to law.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.K.Karthikeyan  
Government Advocate

## O R D E R

The learned counsel for the petitioner, Mr.G.Sankaran, after elaborately arguing the matter for a considerable length of time, contended that the writ petitioner may be permitted to withdraw the writ petition. However, this court consciously realised that the adjudications occurred in the court in this writ petition has to be at least recorded.

2.The relief sought for in this writ petition is to quash the circular issued by the second respondent in proceedings dated 16.04.2018. The circular relates to deployment of teachers from one school to another school based on the students' strength.

3.May that it be. This court is of an opinion that the petitioner's association is Tamil Nadu Junior Grade Teachers Welfare Association. The association is functioning to protect the welfare of the teachers, who are the members of the petitioner's association. The reduction of posts or deployment is an administrative policy to be taken in the interest of institution and the departmental at large. If at all any individual teacher is aggrieved, it is left open to the aggrieved person to approach the appropriate forum in the manner known to law. The writ petitioner's association cannot come up with the writ petition stating that from and out of the administrative policy or instructions in this regard issued by the competent authorities the association is affected. Even in any case, the deployment or re-deployment based on the students' strength or taking a policy in this regard it is an administrative prerogative of the State. Such a policy decision can never be questioned, unless, it is unconstitutional or in violation of any statutory provisions in force. Even in such a case, the person aggrieved by virtue of such deployment or re-deployment alone has to approach the competent court of law. The petitioner's association cannot be permitted to file the writ petition for each and every grievances of the members of the writ petitioner's association. Further, such general circular issued in the interest of administration cannot be challenged by the petitioner's association. The constitutional courts time and again held in respect of violation of service conditions the individual employee, who all are aggrieved alone shall be permitted to move the writ petition under Article 226 of the Constitution of India and by exhausting the remedy available under the statute, if any.

4.Such being the legal principles settled and when this court has expressed its opinion that the writ petition cannot be entertained by this court, the learned counsel for the writ petitioner sought permission of this court to withdraw this writ petition and he also made an endorsement to that effect.

5.With the above observations and the endorsement made in this regard, this writ petition stands dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed. However, there is no order as to costs.

may

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government  
School Education Department  
Secretariat, Fort St. George  
Chennai - 600 009.
- 2.The Director of School Education  
DPI Campus, College Road, Chennai - 600 006.
- 3.The Director of Elementary Education  
DPI Campus, College Road, Chennai - 600 006.

+1cc to Government Pleader Sr.No.38268

sm:29.6.2018

W.P.No.14805 of 2018

सत्यमेव जयते

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