

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR. JUSTICE RMT.TEEKA RAMAN

W.P.NOS.22531 TO 22538/2013 AND W.A.NOS.891 AND 892/2018  
AND CONNECTED M.PS.

W.P.NO.22531/2013:

S.UTHRA

VS

... PETITIONER

1. THE STATE OF TAMIL NADU  
REP. BY ITS SECRETARY,  
DEPARTMENT OF SCHOOL EDUCATION,  
FORT ST. GEORGE, CHENNAI-9.
2. THE DIRECTOR OF ELEMENTARY EDUCATION,  
D.P.I. COMPLEX, CHENNAI-6.
3. THE DISTRICT ELEMENTARY EDUCATIONAL  
OFFICER, KANCHEEPURAM DISTRICT,  
KANCHEEPURAM.

4. P.PUNITHAVALLI

... RESPONDENTS

W.P.NO.22532/2013:

M.GEETHALAKSHMI

VS

... PETITIONER

- 1 THE STATE OF TAMILNADU  
REP BY ITS SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION FORT ST. GEORGE CHENNAI 9 ... RESPONDENTS
- 2 THE DIRECTOR OF ELEMENTARY  
EDUCATION D.P.I. COMPLEX CHENNAI 6
- 3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER KANCHEEPURAM DISTRICT  
KANCHEEPURAM
- 4 TMT.K.KOMATHI  
GRADUATE TEACHER (MATHS) PANCHAYAT UNION  
MIDDLE SCHOOL POZHICHALUR CHENNAI 74

W.P.NO.22533/2013:

1 S.UTHRA ... PETITIONER

VS

1 THE STATE OF TAMILNADU ... RESPONDENTS  
REP BY ITS SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION FORT ST. GEORGE CHENNAI 9

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION D.P.I. COMPLEX CHENNAI 6

3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER KANCHEEPURAM DISTRICT  
KANCHEEPURAM

4 TMT.K.KOMATHI  
GRADUATE TEACHER (MATHS) PANCHAYAT UNION  
MIDDLE SCHOOL POZHICHALUR CHENNAI 74

W.P.NO.22534/2013:

1 M.GEETHALAKSHMI .... PETITIONER

VS

1 THE STATE OF TAMILNADU ... RESPONDENTS  
REP BY ITS SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION FORT ST. GEORGE CHENNAI 9

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION D.P.I. COMPLEX CHENNAI 6

3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER KANCHEEPURAM DISTRICT  
KANCHEEPURAM

4 THIRU MARAN  
GRADUATE TEACHER (MATHS) PANCHAYAT UNION  
MIDDLE SCHOOL JALANDIANPETTAI CHENNAI 100

W.P.NO.22535/2013:

1 S.UTHRA ... PETITIONER

VS

- 1 THE STATE OF TAMILNADU ... RESPONDENTS  
REP BY ITS SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION FORT ST. GEORGE CHENNAI 9
- 2 THE DIRECTOR OF ELEMENTARY  
EDUCATION D.P.I. COMPLEX CHENNAI 6
- 3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER KANCHEEPURAM DISTRICT  
KANCHEEPURAM
- 4 THIRU.MARAN  
GRADUATE TEACHER (MATHS) PANCHAYAT UNION  
MIDDLE SCHOOL JALANDIANPETTAI CHENNAI-100

W.P.NO.22536/2013:

- 1 M.GEETHALAKSHMI ... PETITIONER

VS

- 1 THE STATE OF TAMILNADU ... RESPONDENTS  
REP BY ITS SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION FORT ST. GEORGE CHENNAI 9
- 2 THE DIRECTOR OF ELEMENTARY  
EDUCATION D.P.I. COMPLEX CHENNAI 6
- 3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER KANCHEEPURAM DISTRICT  
KANCHEEPURAM
- 4 TMT.P.PUNITHAVATHI  
GRADUATE TEACHER (MATHS) PANCHAYAT UNION  
MIDDLE SCHOOL PALLIKARANAI PUDU KUDIYIRUPPU  
PALLIKARANAI CHENNAI

W.P.NO.22537/2013:

- 1 A.ULAGANATHAN ... PETITIONER

VS

1 THE STATE OF TAMILNADU ... RESPONDENTS  
REP BY ITS SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION FORT ST. GEORGE CHENNAI 9

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION D.P.I. COMPLEX CHENNAI 6

3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER KANCHEEPURAM DISTRICT  
KANCHEEPURAM

4 TMT.K.KOMATHI  
GRADUATE TEACHER (MATHS) PANCHAYAT UNION  
MIDDLE SCHOOL POZHICHALUR CHENNAI-74

W.P.NO.22538/2013:

1 A.ULAGANATHAN .... PETITIONER

VS

1 THE STATE OF TAMILNADU ... RESPONDENTS  
REP BY ITS SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION FORT ST. GEORGE CHENNAI 9

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION D.P.I. COMPLEX CHENNAI 6

3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER KANCHEEPURAM DISTRICT  
KANCHEEPURAM

4 TMT.P.PUNITHAVATHI  
GRADUATE TEACHER (MATHS) PANCHAYAT UNION  
MIDDLE SCHOOL PALLIKARANAI PUDU KUDIYIRUPPU  
PALLIKARANAI CHENNAI

WA.NO.891/2018:

1 THE STATE OF TAMIL NADU ... PETITIONER  
REP. BY ITS SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION FORT ST. GEORGE CHENNAI-9.

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION D.P.I. COMPLEX CHENNAI-6.

3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER KANCHEEPURAM DISTRICT  
KANCHEEPURAM.

VS

1 R.JEMIMAH JEYSHANTHI ... RESPONDENTS  
W/O.S.ROBIN RAJA NO.79 M.G.R. ROAD  
RAGUPATHI NAGAR NANGANALLUR CHENNAI-61.

2 SEETHALAKSHMI  
GRADUATE TEACHER (ENGLISH) PANCHAYAT UNION  
MIDDLE SCHOOL THIRUNEERMALAI CHENNAI-44.

WA.NO.892/2018:

1 THE STATE OF TAMIL NADU .... PETITIONER  
REP. BY ITS SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION FORT ST. GEORGE CHENNAI-9.

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION D.P.I. COMPLEX CHENNAI-6.

3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER KANCHEEPURAM DISTRICT  
KANCHEEPURAM.

VS

1 A.ULAGANATHAN ... RESPONDENTS  
S/O.ARUMUGAM NEW NO.78 OLD NO.11/4  
PERIYAR SALAI TEYNAMPET CHENNAI-18.

2 MARAN  
GRADUATE TEACHER (MATHS) PANCHAYAT UNION  
MIDDLE SCHOOL JALANDIANPETTAI CHENNAI-100.

Prayer : Writ Petitions filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 22.7.2013 & 16.07.2013(in WP.No.22534 & 22535/2013) passed by the 3<sup>rd</sup> respondent herein in Na.Ka.No.1680/A5/2013 in transferring the 4<sup>th</sup> respondent to the Chitlapakkam Block and quash the same and consequently, direct the respondents herein to promote the petitioner as Graduate Teacher (Maths) to the vacant post of Graduate Teacher in Chitlapakkam Block.

WP.NO.21123 & 21125/2013:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus call for the records relating to the impugned order dated 4.7.2013 , 16/07/2013, 04/07/2013, 22/07/2013, 16/07/2013 & 22/07/2013 respectively passed by the 3rd respondent herein in Na.Ka.No. 1680/A5/2013 and quash the same and consequently direct the respondents herein to promote the petitioners as Graduate Teacher (English) to the vacant post of Graduate Teacher Chitlapakkam Block.

For Petitioner :: Mr.S.Silambannan  
for M/s.Profexs Associates  
For Respondents :: Mr.C.Munusamy,  
Special Government Pleader  
for R1 to 3  
Mr.G.Sankaran for R4

COMMON JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

Challenging the order of the 3<sup>rd</sup> respondent, namely, the District Elementary Educational Officer, Kancheepuram District, Kancheepuram, dated 22.07.2013 in transferring the 4<sup>th</sup> respondent in all the Writ Petitions to Chitlapakkam Block, the Writ Petitions, namely, W.P.Nos.22531 to 22538/2013 have been filed. While so, aggrieved over the Common Order of the learned Single Judge dated 20.01.2017 made in W.P.Nos.21121 to 21127 and W.P.No.21125/2013, the Writ Appeals, namely, W.A.Nos.891 and 892/2018 have been filed by the State.

2. According to the writ petitioners in these writ petitions, they are all Secondary Grade Teachers (Maths) working at Panchayat Union Primary School, Perungudi, which comes under the Chitlapakkam Block, Kancheepuram Educational District. For the purpose of maintaining inter se seniority for the Secondary Grade Teachers, the Chitlapakkam unit is considered to be one unit. The seniority is also maintained at the block level for the purpose of promotion and other service benefits. All the petitioners are placed in the senior most level in the seniority list and are due for promotion. While so, the third respondent herein had passed orders on different dates transferring the Graduate Teachers from other Panchayat Union Middle Schools to the existing vacancy within Chidlapakkam block which are impugned in the present writ petitions.

3. Seeking an identical prayer, W.P.Nos.21121 to 21127/2013, 21123, 21124 and 21125/2013 have been filed by

separate individuals. While disposing of the said Writ Petitions by way of a Common Order dated 20.01.2017, a learned Single Judge of this Court, has held as follows:

'4.As submitted by the learned Senior Counsel for the petitioners, the Chitlapakkam block is treated as one unit for the purpose of maintaining seniority for the Secondary Grade Teachers as well as for preparation of panel for promotion as Graduate Teachers. All the petitioners herein, being placed in the top most seniority in the panel, ought to have been promoted whenever a vacancy arose at Chitlapakkam block. I find force in the submission made by the learned Senior Counsel that whenever vacancy of Graduate Teachers arises in the Chitlapakkam block, the respondents are bound to exhaust the panel of eligible Secondary Grade Teachers from their own block and only then, they can opt for a transfer of teachers from other block to this block.

5.With regard to the submission of the learned Government Advocate that the writ petition for awarding promotion to the double degree and 10+2+3 holders is pending, cannot be a ground to deny promotion to the petitioners. Needless to point out that when the vacancy arose the respondents could have considered the candidature of the petitioners, from the panel for promotion to the post, subject to the outcome of the pending writ petition, instead of opting to transfer the teachers from the other block. If this conduct is encouraged, the teachers like the petitioners would get stagnated in the same post for many years and there would be no avenue to them for promotion at all.

6.Under such circumstances, in view of the above findings, the impugned orders dated 04.07.2013, 16.07.2013, 04.07.2013, 22.07.2013, 16.07.2013, 16.07.2013 and 22.07.2013 respectively are quashed. Consequently, the respondents are directed to promote the petitioners as Graduate Assistant Teachers in English and Maths in Chitlapakkam block within a period of eight weeks from the date of receipt of a copy of this order. "

Aggrieved over the said common order passed in W.P.Nos.21121 to 21127 and W.P.No.21125/2013, the Writ Appeal No.891 and 892/2018 have been filed by the appellant State.

4. Since the issue involved in the writ petitions as well as in the appeals are one and the same, they were clubbed together for disposal.

5. Learned Senior Counsel appearing for the writ petitioners and the learned Counsel for the 1<sup>st</sup> respondent in the Writ Appeals submitted that Chitlapakkam Block is treated as one unit for the purpose of maintaining seniority among the Secondary Grade Teachers as well as for preparation of panel for promotion to the post of Graduate Teachers which comes under Kancheepuram Education District. Accordingly, all the petitioners in the Writ Petitions herein as well as the 1<sup>st</sup> respondent in the Writ Appeals, have been placed in the top most seniority in the panel. Therefore, whenever a vacancy arose at Chitlapakkam block, they ought to have been given promotion, instead of transferring others from outside Chitlapakkam Block and giving promotion to them.

6. Per contra, learned Special Government Pleader (Education) appearing for the respondents 1 to 3 in the Writ Petitions as well as the appellants in the appeal contended that since several writ petitions are pending before this Court for awarding promotion to the double degree and 10+2+3 holders, no promotion is effected till date. The learned Special Government Pleader further submitted that since the transfers are being made on administrative grounds, the individual concerned has got no locus standi to challenge the same.

7. Heard the learned Counsel appearing for the 4<sup>th</sup> respondent in the Writ Petitions.

8. Considered the submissions made on either side and we have also perused the materials available on record carefully.

9. At the outset, the facts that the writ petitioners and the 1<sup>st</sup> respondent in the writ appeals are Secondary Grade Teachers working at Perungudi, which comes under the Chitlapakkam Block, Kancheepuram Educational District and for the purpose of maintaining inter se seniority among the Secondary Grade Teachers, Chitlapakkam unit is considered to be one unit and based on the said seniority, promotion will be effected are not in dispute. The grievance of the writ petitioners and the 1<sup>st</sup> respondent in the writ appeals is that the District Elementary Educational Officer, Kancheepuram District, Kancheepuram, ought to have promoted them from the panel of the eligible Secondary Grade Teachers to the post of Graduate Teachers instead of transferring Graduate Teachers from other blocks due to which their promotional opportunities are very much affected. Though the learned Special Government Pleader (Education) appearing for the State submitted that as and when any promotional vacancies would arise in future in Chitlapakkam Block, the case of the writ petitioners and the 1<sup>st</sup> respondent in the Writ Appeals will be considered, the same was not conceded by the Secondary Grade Teachers in the cases on

hand. According to them, they have also to be transferred and posted in the existing promotional posts in other blocks, without waiting for arising of promotional post in Chitlapakkam Block.

10. While so, considering the overall facts and circumstances of the matter, more particularly, the fact that in the already existed Graduate Assistant Vacancies in Chitlapakkam Unit, without giving promotion to the Secondary Grade Teachers working there, outsiders have been given opportunity and in the Writ Petition Nos.21121 to 21127/2013 and W.P.No.21125/2013 by order dated 20.01.2017, the learned Single Judge has directed to promote the petitioners therein as Graduate Teachers in English and Maths in Chitlapakkam Block within a period of eight weeks from the date of receipt of a copy of that order, we are of the view that the same treatment has to be given to the writ petitioners herein as well the same has to be confirmed as far as the 1<sup>st</sup> respondent in the Writ Appeals. Anyhow, since it is submitted by the learned Senior Counsel appearing on behalf of the Secondary Grade Teachers herein that they should be transferred and posted in the existing Graduate Teacher vacancies in other Blocks, we direct the respondents 1 to 3 in the Writ Petitions and the appellants in the Writ Appeals to award promotion to the writ petitioners and the 1<sup>st</sup> respondent in the Writ Appeals, in the existing vacancies of Graduate Assistants in the concerned schools in all over the Tamil Nadu forthwith, without waiting for the vacancies to be arisen at Chitlapakkam Block.

11. With the above observation and direction, the Writ Petitions and the Writ Appeals are disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

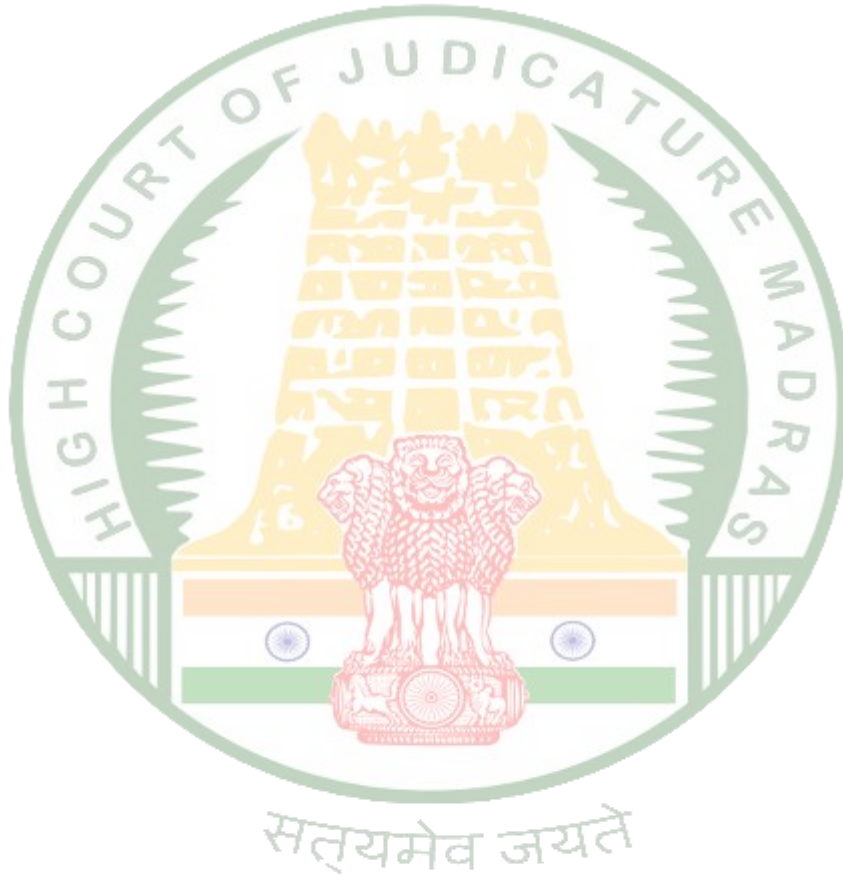
1. The Secretary,  
State of Tamil Nadu,  
Department of School Education,  
Fort St. George, Chennai-9.
2. The Director of Elementary Education,  
D.P.I. Complex, Chennai-6.

3. The District Elementary Educational  
Officer, Kancheepuram District,  
Kancheepuram.

+1cc to Mr.G.Sankaran, Advocate sr.no.63328  
+1cc to Government Pleader sr.no.63819

W.P.Nos.22531 to 22538/2013  
& W.A.Nos.891 and 892/2018

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