

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.07.2018
CORAM
THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.15636 of 2018
and
WMP.Nos.18571 to 18573 of 2018

1.S.Nagendran
2.A.Sundaramurthy ... Petitioners

vs

1. State of Tamil Nadu
Represented by its Principal Secretary
School Education
Fort St. George
Chennai 600 009.
2. The Director of School Education
DPI Campus, College Road,
Chennai 600 006.
3. The Joint Director (Personnel)
DPI Campus, College Road,
Chennai 600 006.
4. Chief Educational Officer,
Dharmapuri ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari to call for the records of the first respondent in G.O.M.S.No.101 dated 28.05.2018 and the order of the Chief Educational Officer in Na.Ka.No.210/A1/2018 dated 30.05.2018, quash the same as being violative of the statutory service rules.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mrs.P.Kavitha
Government Advocate

ORDER

This Writ Petition has been filed challenging the Government Order of the first respondent in G.O.M.S.No.101 dated 28.05.2018 and the order of the Chief Educational Officer in Na.Ka.No.210/A1/2018 dated 30.05.2018 and to quash the same as

being violative of the statutory service rules.

2. Heard the learned counsel for the petitioner as well as learned Government Advocate appearing on behalf of the respondents.

3. The grievance of the petitioners is that they joined the service in the year 2002 and 2004 respectively and the order of appointment was issued by the Joint Director, the third respondent herein. Subsequently, by way of Government Order in GO.Ms.No.101 dated 18.05.2018, the Government restructured the entire education department. The school education department is divided into elementary education (Classes I to VIII) and School education (Classes VI to XII) headed by the Director of Elementary Education and Director of School Education respectively. The Government order seeks to combine both the elementary and school education department which are governed by different service rules, different units for promotion and seniority, different authorities to initiate disciplinary proceedings. There has been no amendment in the relevant service rules but vide the Government Order, an authority subordinate to the appointing authority of the petitioner has been made the disciplinary authority. The same is against the well established service jurisprudence and the Government Order is against the statutory enactment. Hence, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

4. As it appears, as against the said Government Order a batch of Writ Petitions came to be filed in W.P.Nos.13687 of 2018 etc., and Division Bench of this Court, by an order dated 19.06.2018, while not interfering with the same, directed the respondents therein to take a suitable decision by making proper amendments in the impugned Government Orders, as a correctional measure, in accordance with the relevant rules, considering the various grievances and infirmities.

5. In view of the aforesaid finding rendered by the Division Bench of this Court, this Court is of not inclined to entertain this Writ Petition seeking the same relief by some other petitioners.

6. In the result, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

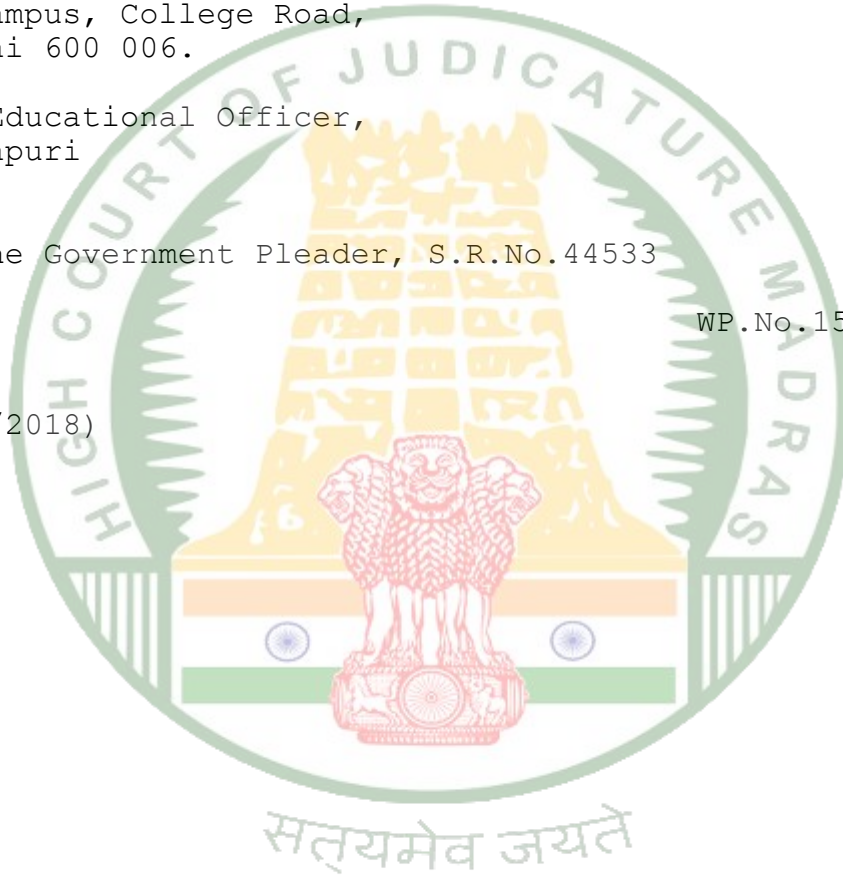
To

1. The Principal Secretary to Government of Tamil Nadu
School Education
Fort St. George
Chennai 600 009.
2. The Director of School Education
DPI Campus, College Road,
Chennai 600 006.
3. The Joint Director (Personnel)
DPI Campus, College Road,
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4. Chief Educational Officer,
Dharmapuri

+1cc to the Government Pleader, S.R.No.44533

WP.No.15636 of 2018

GJ(CO)
GSP(07/08/2018)



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