

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2018

CORAM

The Hon'ble Mr.Justice M.DHANDAPANI

W.P.No.25027 of 2007

V.Selvi

[PETITIONER]

Vs

- 1 THE DIRECTOR OF ELEMENTARY
EDUCATION, COLLEGE ROAD, CHENNAI-06
- 2 THE DISTRICT ELEMENATRY
EDUCATIONAL OFFICER, SALEM, SALEM DISTRICT
- 3 THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, MACHERI BLOCK, MACHERI.
SALEM DISTRICT. [RESPONDENTS]

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari call for the records relating to the impugned order of the 1st respondent in Na.Ka.No.16170/D3/2007, dated 11.06.2007 and quash the same.

For Petitioner : Mr.P.Manojkumar

For Respondents : Mr.P.Raja

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Petitioner has filed this writ petition challenging the order of the first respondent in fixing the seniority of the Second Grade Teachers recruited by the Teachers Recruitment Board.

2. The case of the petitioner is that the petitioner was recruited for the post of Secondary Grade Teacher by the

Teachers Recruitment Board. Thereafter, the petitioner was appointed on 01.08.1995 as Secondary Grade Teacher and had been working at Panchyat Union Elementary School, Mecheri, Salem District. According to the petitioner, the seniority of a person shall be fixed as per Rule 35(a) of the Tamil nadu State and Subordinate Services General Rules, unless he/she has been reduced to a lower rank as punishment be determined by the rank obtained by the candidate in the list of approved candidates drawn by the Tamil nadu Public Service Commission or the appointing authority as the case may be subject to rules of reservation. In accordance with the same, the seniority of the Secondary Grade Teachers are fixed with reference to the date of appointment by the Teachers Recruitment Board irrespective of the date of joining duty. Whileso, the first respondent by proceedings dated 11.06.2007 had issued the following guideline for fixing the seniority of the Secondary Grade Teacher:

"(i) In case of Secondary Grade Teachers who were appointed in their native districts, if they had obtained transfer to their native block or other blocks within their native district they cannot retain the rank assigned by the Teachers Recruitment Board. On the other hand their seniority shall be fixed with reference to the date of joining in the concerned block and they shall be placed as the junior most among probationers/approved probationers as the case may be.

(ii) In the case of Secondary Grade Teachers, who were appointed in districts other than their native districts, if they had obtained transfer to any block within their native district, they can retain the rank assigned by the Teachers Recruitment Board only once and even after getting transfer to a block within their native districts if they get further transfer to another block/native block they cannot retain the rank assigned by the Teachers Recruitment Board. On the other hand their seniority will be fixed with reference to the date of joining duty in the new block and they will be placed junior most among probationer/approved probationer."

3. Challenging the order of the first respondent dated 11.06.2007, number of writ petitions have been filed before this court and the issue involved in this writ petition is squarely covered by the decision of this Court in W.P.No.22324 of 2007 dated 10.04.2008 (P.Rajendran vs. the Director of Elementary

Education, Chennai and two others) and subsequent writ petition Nos.21960 & 22310, 24357 & 31121 of 2007 by which, the writ petitions were allowed. The order dated 07.11.2008 passed by this Court in W.P.No.21960 of 2007 etc., batch (supra) read as follows:

" In these writ petitions, the challenge is to the proceedings of the first respondent in Na.ka.No.16170/D3/2007, dated 11.06.2007. The validity of the said proceedings was considered in details by order dated 10.04.2008 passed in W.P.No.22326 of 2007. Paragraph Nos.6 and 7 of the said order reads as under:

"6.In the case of the petitioner though the initial appointment of the petitioner was in her native district of Tirunelveli but in a different Panchayat Union viz., Sankaran Koil Panchayat Union and for the first time she has got a transfer to different union of the very same district viz., Vasudevanallur Union, having regard to the provisions contained in G.O.M.s.No.388, dated 19.06.1996 and also the proceedings of the first respondent dated 10.03.2000 and 04.10.2001, such a transfer will not in any way affect the retention of her original seniority that was assigned to her in the selection of the year 1995 by the Teachers Recruitment Board. When the said position can be thus clarified the impugned proceedings shall not in any way affect the right of the petitioner for retention of such seniority originally assigned to her.

7.As the petitioner's right for retention of her seniority is thus declared by applying the above referred two proceedings, the impugned proceedings dated 11.06.2007 cannot be applied to the case of the petitioner. The writ petition is therefore allowed and the impugned proceedings are hereby set aside in so far as the petitioner is concerned. Connected M.Ps. are closed."

4. The writ petitioner herein also is similarly placed as that of the writ petitioner in W.P.No.22326 of 2007,

hence, the very same relief granted in the aforesaid writ petition is extended to this writ petitioner also. In view of the above, this writ petition stands allowed and the impugned proceeding is hereby set aside in so far as this writ petitioner is concerned. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

To

- 1 THE DIRECTOR OF ELEMENTARY
EDUCATION COLLEGE ROAD CHENNAI-06
- 2 THE DISTRICT ELEMENATRY
EDUCATIONAL OFFICER SALEM SALEM DISTRICT
- 3 THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER MACHERI BLOCK MACHERI
SALEM DISTRICT.

+1cc to Mr.P.Rajendran, Advocate SR.No.50317

+1cc to Government Pleader SR.No.49958

W.P.No.25027 of 2007

SJ(CO)
SMI/28.08.2018

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