



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.135 of 2018

and

W.M.P. (MD) .Nos.143 & 144 and 2398 of 2018

Mrs.P.S.M.Santhi Jayarani,
B.T. Assistant Teacher,
Raja Dinakar R.C. High School,
Ramanathapuram-623 501.

...Petitioner

Vs.

1.The Director of School Education,
E.V.K.S. Building,
College Road,
Chennai-600 006.

2.The Chief Education Officer,
Ramanathapuram District,
Ramanathapuram.

3.The District Education Officer,
Ramanathapuram District,
Ramanathapuraim.

4.The Correspondent,
Raja Dinakar R.C. High School,
Ramanathapuram.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned orders made in Na.Ka.No.06064/ Aa2 / 2017 dated 08.11.2017 passed by the second respondent and the consequential relieving order dated 19.12.2017 passed by the fourth respondent, quash the same.

For Petitioner : Mr.S.Ramu
For Respondents : Mrs.S.Srimathy for R1 to R3
Special Government Pleader
: No Appearance for R4

ORDER

<https://hcservices.courts.gov.in/hcservices/>
Read the learned counsel on either side.



2.By consent of both the parties, the main Writ Petition is taken up for final disposal.

3.The petitioner is working as B.T. Assistant in Tamil subject. By order dated 19.12.2017, the fourth respondent had informed the petitioner that she has been sent on deputation to the Government Higher Secondary School at Mandapam. This is impugned in the Writ Petition on more grounds than one.

4.When the matter was taken up for disposal, the learned Special Government Pleader, pointed out that there are only 87 students studying from Standards 6 to 8. Therefore, as per the staff fixation strength, one teacher has been rendered surplus.

5.In the counter affidavit filed by the third respondent, it has been mentioned that the junior most BT Teacher Mr.C.M.Flix Peter Chinnasamy is a religious brother and that he is rendering all kinds of service and that is the reason for his retention. This is an irrelevant consideration for retaining the said Mr.C.M.Flix Peter Chinnasamy and shifting the petitioner. The impugned order is, therefore, vitiated.

6.The proceedings impugned in the Writ Petition stand quashed. The matter is remitted to the file of the second respondent, who shall decide the matter afresh and pass orders on merits in accordance with law. Since the order impugned in the Writ Petition has been quashed, it is needless to mention that the respondents shall permit the petitioner to join duty forthwith.

7.The Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

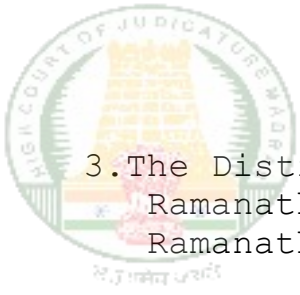
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Sub Assistant Registrar

To

1.The Director of School Education,
E.V.K.S. Building,
College Road,
Chennai-600 006.

2.The Chief Education Officer,
Ramanathapuram District,
Ramanathapuram.



3.The District Education Officer,
Ramanathapuram District,
Ramanathapuraim.

+1cc to M/S.S.Ramu, Advocate SR.No. 46158

W.P. (MD) .No.135 of 2018
05.02.2018

tsg
JM/SV MMS/SAR 1/05.02.2018/3P/5C