



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.10982 of 2017

&

WMP (MD) Nos.8409, 8410 and 12534 of 2017

K.Paulpandy

... Petitioner

Vs.

1. The Chief Educational Officer,
Virudhunagar, Virudhunagar District.
2. The District Educational Officer,
Aruppukottai, Virudhunagar District.
3. The Secrtetary,
Ariya Vysiya Higher Secondary School,
Sattur, Virudhunagar District.

4.V.Kanagaraj

... Respondents

Prayer : This writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the first respondent herein in Na.Ka.No.5767/A1/2016 dated 28.04.2017 and quash the same.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.M.Jayakumar, AGP
for RR1 and 2
Mr.P.Senthur Pandian, for R4

O R D E R

The petitioner is working as B.T.Assistant (Science) in Ayira Vysiya Higher Secondary School, Sattur. By the impugned order dated 28.04.2017, the petitioner was deployed and posted at S.H.N.Edward Higher Secondary School, Sattur.

2.The writ petitioner questions the said order principally on two grounds. He would contend that the fourth respondent, who is also a B.T.Assistant teacher is junior to him and that as per G.O.Ms.No.270 dated 10.07.2012, the junior most teacher should be



deployed first. In this case, both the writ petitioner as well as the fourth respondent are working as B.T.Assistants. The writ petitioner is a B.T.Assitant in Science subject while the fourth respondent is a B.T.Assistant in Maths subject. Both got appointed on the same day viz., 30.01.2011. But, since the writ petitioner is admittedly elder in terms of age, the writ petitioner will have to be treated as senior. Secondly, the impugned order is not in consonance with the proceedings that took place before this Court in W.P.(MD) No.4253 and 4284 of 2014.

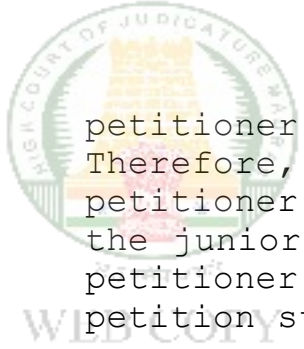
3.Mr.M.Jayakumar, the learned Additional Government Pleader appearing for the respondents 1 and 2 would contend that the deployment order was rightly passed. In the counter affidavit, it has been specifically stated that there is a need to retain the fourth respondent in the very same school.

4.Mr.P.Senthur Pandian, the learned counsel for the fourth respondent also filed his counter and opposed the prayer made in the writ petition. He would dispute the contention of the writ petitioner that the fourth respondent is junior.

5.After hearing the counsel on either side, this Court comes to the conclusion that the order impugned in the writ petition deserves to be set aside. It is seen that the department had earlier on 19.02.2014 deployed the fourth respondent to Mangapuram Hindu Higher Secondary School, Srivilliputhur. The said order was challenged by the school management in W.P.(MD) Nos.4253 and 4284 of 2014. When the matter was taken up for hearing before this Court, the school management prayed that the deployment order ought not to be enforced for a period of two months so as to conclude the academic year. The said submission was placed on record and this Court directed that the said order of deployment shall be kept in abeyance for a period of two months.

6.While so, the learned Additional Government Pleader appearing for the respondents 1 and 2 is not in a position to explain as to what happened after the expiry of the said period of two months. Admittedly, the fourth respondent was deployed from the third respondent school to another school. The learned counsel for the fourth respondent would of-course claim that his client was not aware of this development.

7.Be that as it may, these are matters of record. This court cannot shut its eyes. There is considerable force in the submission of the learned counsel for the petitioner that the fourth respondent had apparently managed to over reach the order passed by this Court. Instead of giving effect to the order dated 19.02.2014 deploying the fourth respondent from the third respondent school, the department has chosen to deploy the petitioner from the said school. It also cannot be denied that the



petitioner is elder to the fourth respondent in terms of age. Therefore, there is some force in the contention that the writ petitioner is senior to the fourth respondent and that therefore the junior must be deployed first. On both the grounds, the writ petitioner is entitled to succeed. The order impugned in the writ petition stands set aside.

8.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Educational Officer,
Virudhunagar, Virudhunagar District.
2. The District Educational Officer,
Aruppukottai, Virudhunagar District.

+ 1 cc TO Mr.P.Senthur Pandian , Advocate in SR No. 43131
+ 1 cc TO Mr.T.Pon Ramkumar , Advocate in SR No. 42864
+ 1 cc TO The Special Government Pleader in SR No. 42852

Arul

AE/KK/SAR4/01.02.2018/3P/6C

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