

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.1633 to 1635, 1645, 2322, 2325,
2329, 2734 & 2740 of 2019
and

WMP.Nos.1811,1816,1818,1835,2560, 2562, 2563, 2564,2569,
2570,2994,2997,3003 & 3005 of 2019

- 1 TAMIL NADU ELEMENTARY SCHOOL
TEACHERS FEDERATION NO.78 BELLS ROAD
TRIPPLICANE CHENNAI-600 005
REP BY ITS GENERAL SECRETARY
N.RANGARAJAN S/O.NALLAN
... PETITIONER in WP No.1633 of 2019
- 1 TAMIL NADU THOTAKKAPPALLI
ASIRIYAR MANDRAM NO.20 SAMY STREET EGMORE
CHENNAI-600 008 REP BY ITS GENERAL
SECRETARY K.MEENAKSHI SUNDARAM S/O.
KALIYAPERUMAL
... PETITIONER in WP No.1634 of 2019
- 1 TAMIL NADU PRIMARY
SCHOOL TEACHERS FEDERATION NO.41
MUKTHARUNNISA BEGUM STREET ELLIS ROAD
TRIPPLICANE CHENNAI-600 002 REP BY ITS
GENERAL SECRETARY S.MAYIL S/O.SAKK
... PETITIONER in WP No.1635 of 2019
- 1 K.PADMA
W/O.O.PRABAKARAN SECONDARY GRADE TEACHER
MADHAVARAM MUNICIPAL ELEMENTARY SCHOOL
LAKSHMIPURAM CHENNAI 99
... PETITIONER in WP No.1645 of 2019
- 1 K.PAKUTHTHARIVU
W/O. M.MOORTHY 3/ 64 JANGAMAIYANOOR
SENGANOOR POST PENNAGARAM TALUK DHARMAPURI
DISTRICT - 636810
... PETITIONER in WP No.2322 of 2019

1 M.JEYAPRAKASH
S/O. A.MAYANDI 1/ 120 K.KALYANIPATTI
VILAKKU KALLUTHU POST USILAMPATTI TALUK
MADURAI DISTRICT - 625537
... PETITIONER in WP No.2325 of 2019

1 V.SHOBANADEVI
W/O. C.SAMARASAM PANCHAYAT UNION PRIMARY
SCHOOL ERIYUR - 636810 PENNAGARAM TALUK
DHARMAPURI DISTRICT
... PETITIONER in WP No.2329 of 2019

1 C.GOMATHI
W/O.N.MULLAIVALAVAN SECONDARY GRADE TEACHER
PANCHAYAT UNION ELEMENTARY SCHOOL EAST
HARIJAN STREET PETHANAICKENPALAYAM UNION
SALEM DISTRICT.
... PETITIONER in WP No.2734 of 2019

1 K.VENKATACHALAM
S/O.KARUPANNAN SECONDARY GRADE TEACHER
PANCHAYAT UNION ELEMENTARY SCHOOL
NEYYAMALAI PETHANAICKENPALAYAM UNION
SALEM DISTRICT.
... PETITIONER in WP No.2740 of 2019

Versus

1. THE STATE OF TAMIL NADU,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT, SECRETARIAT,
FORT ST.GEORGE,
CHENNAI - 600 009.

2. THE STATE OF TAMIL NADU,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
SOCIAL WELFARE AND NUTRITIOUS MEAL
PROGRAMME DEPARTMENT, SECRETARIAT,
FORT ST.GEORGE,
CHENNAI - 600 009.

3. THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI-600 006.

4. THE DIRECTOR,
DIRECTORATE OF INTEGRATED CHILD DEVELOPMENT SERVICES,
PAMMAL NALLATHAMBI STREET, THARAMANI,
CHENNAI - 600 113.

... RESPONDENTS 1 TO 4 IN WP.1633 TO 1635,
1645, 2734 & 2740 OF 2019

- 5 THE CHIEF EDUCATIONAL OFFICER
THIRUVALLUR DISTRICT THIRUVALLUR

- 6 THE DISTRICT EDUCATIONAL OFFICER
AMBATTUR THIRUVALLUR DISTRICT

...5th & 6th RESPONDENTS in WP No.1645 of 2019

- 5 THE CHIEF EDUCATIONAL OFFICER
SALEM DISTRICT SALEM

- 6 THE DISTRICT EDUCATIONAL OFFICER
ATTUR SALEM DISTRICT.

... 5th & 6th RESPONDENTS in
WP No.2734 & 2740 of 2019

- 7 THE BLOCK EDUCATIONAL OFFICER-I
PETHANAICKENPALAYAM UNION
SALEM DISTRICT.

...7th RESPONDENT in
WP No.2734 of 2019

- 7 THE BLOCK EDUCATIONAL OFFICE
R-II PETHANAICKENPALAYAM UNION SALEM
DISTRICT.

...7th RESPONDENT in WP No.2740 of 2019

1. THE GOVERNMENT OF TAMIL NADU
REP BY ITS PRINCIPAL SECRETARY,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600009.

2. THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI-600 006.

3. THE DISTRICT CHIEF EDUCATIONAL OFFICER,
DHARMAPURI, DHARMAPURI DISTRICT.

... RESPONDENTS 1 TO 3 in
WP No.2322, 2325 & 2329 of 2019

Prayer in WP.Nos.1633 to 1635 of 2019:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for records relating to the impugned orders issued by the 3rd respondent in Na.Ka.No.021717/K3/2018 dated 09.01.2019 and to quash the same in so far as it directs deployment of Secondary Grade Teacher working in the Elementary Education to the post of Nursery/Montessori teacher in Anganwadi Centre is concerned.

WP No.1645 of 2019:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, Mandamus to call for the records relating to the impugned orders issued by the 3rd respondent in Na.Ka.No.021717/K3/2018 dated 9.1.2019 and the subsequent impugned order issued by the 6th respondent in Na.Ka.No.2080/A4/Aa2/2018 dated 11.1.2019 and to quash the same in so far as it directs deployment of Secondary Grade Teacher working in the Elementary Education to the post of Nursery/Montessori Teacher in Anganwadi Centre is concerned and consequently directing the respondents 3, 5 and 6 to allow the petitioner to continue to work as Secondary Grade Teacher in Madhavaram Municipal Primary School, Lakshmipuram, Puzhal Union with all consequential benefits.

WP No.2322, 2325 & 2329 of 2019:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified, Mandamus calling for the records of the impugned orders i.e. Proceedings of the 2nd respondent in Na.Ka.No.021717/K3/2018 dated 09.01.2019 and the consequential proceedings of the 3rd respondent in Na.Ka.No.7992/A4/2018 dated 12.01.2019 in so far as the petitioner is concerned quash the same and consequently direct the respondents to permit the petitioner to continue in the post of secondary grade teacher to teach Classes I to V.

WP No.2734 & 2740 of 2019:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified, Mandamus to call for the records relating to the impugned orders issued by the 3rd respondent in Na.Ka.No.021717/K3/2018 dated 09.01.2019 and the subsequent impugned order issued by the 7th respondent in Na.Ka.No.90/A1,A2/2019 dated 18.01.2019 and to quash the same in so far as it directs deployment of Secondary Grade Teacher

working in the Elementary Education to the post of Nursery/ Montessori teacher in Anganwadi Centre is concerned and consequently directing the respondents 3, 5,6 and 7 to allow the petitioner to continue to work as Secondary Grade Teacher in East Harijan Street Panchayat union Elementary School, Pethanaickenpalayam Union with all consequential benefits.

For Petitioner : Mr.G.Sankaran
(in WP.Nos.1633 to 1635,1645 of 2019)
(in WP.Nos. 2734,2740 of 2019)

For Petitioner : Mr.S.Kumaradevan
(in WP.Nos. 2322, 2325, 2329 of 2019)

For Respondents : Mr.S.T.S.Murthy
(in all the writ petitions) Addl.Advocate General
Assisted by Mr.C.Munusamy,
Special Govt Pleader
Mrs.P.Kavitha,
Government Advocate

COMMON ORDER

The circular issued by the 2nd respondent in proceedings dated 09.01.2019 issued in order to regulate the classes to be conducted for L.K.G and U.K.G classes is under challenge in the present writ petition.

2. The Director of Elementary Education issued a circular, in respect of the Kindergarten School functioning in the premises of the Government Middle School and the classes to be conducted by the teachers. The concept of L.K.G. And U.K.G in Government Schools are functioning and these classes are functioning within the premises of the Government Middle Schools in the State. There is no separate cadre in the teaching faculty to teach the children studying in L.K.G and U.K.G. Thus, the Secondary Grade Teachers, who all are eligible to take classes up to V Standard, are directed to take classes for L.K.G and U.K.G children also.

3. The writ petitioners, who were appointed as Secondary Grade Teacher to take classes up to V Standard, is questioning the circular on the ground that they were appointed as Secondary Grade Teacher only to teach the students from I to V Standards and therefore, the petitioners cannot be directed to take classes for L.K.G and U.K.G children. The profession of teaching as a Noble one, a Teacher shying or refusing to take classes for L.K.G and U.K.G children, this Court is of an opinion that the very conduct itself is to be deprecated and unbecoming of a teacher.

4. A Teacher is expected to teach the Students with nobility and with utmost sincerity. A Teacher, who is capable of taking classes upto V Standard is objecting the circular issued by the Director to take classes also to L.K.G and U.K.G. children is something unusual and such teachers and their conduct can never be encouraged by this Court. Teachers are bound to take classes as per the directions issued by the Head of the Department and in the interest of the children, who all are studying in Government Schools.

5. When the service conditions of the writ petitioners have not violated through the impugned circular, the present writ petitions cannot be entertained at all. The Circular is no way connected with the service benefits or conditions of the writ petitioners as far as the Post of Secondary Grade Teacher is concerned and therefore, the writ petitioners cannot be construed as an aggrieved persons in the Eye of Law. If at all the writ petitioners are very much specific about taking classes to the students from I to V Standard, it is left open to them to take a decision either to continue the service or not to continue the service in the Education Department. Contrarily, the petitioners cannot question the policy decision/circular issued by the Director to take classes for the Children, studying in L.K.G and U.K.G, more specifically, in Government Schools.

6. This being the factum, this Court is of an undoubted opinion that the writ petitioners were not established even a semblance of legal right, so as to consider the relief as such sought for in the present writ petition. The writ petitioners cannot question such a policy decision taken by the competent authorities and therefore, the writ petitioners are bound to take classes up to the V Standard including L.K.G and U.K.G. and if there is any violation, the authorities are bound to initiate appropriate disciplinary action.

7. In the present writ petitions, the writ petitioners were expressed their mind and reservations in taking classes for the Children studying in L.K.G and U.K.G. Thus, the respondents are directed to monitor the performance of the writ petitioners, more specifically, while taking classes for L.K.G. and U.K.G. students and if there is any negligence, dereliction of duty or lapses, the authorities are bound to initiate appropriate action against the writ petitioners under the Discipline and Appeal Rules.

8. With these directions, the present writ petitions stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department, Secretariat,
Fort St.George, Chennai - 600 009.
2. The Principal Secretary to Government,
State of Tamil Nadu,
Social Welfare and Nutritious Meal
Programme Department, Secretariat,
Fort St.George,
Chennai - 600 009.
3. The Director of Elementary Education,
DPI Campus, College Road, Chennai-600 006.
4. The Director,
Directorate of Integrated Child Development Services,
Pammal Nallathambi Street, Tharamani,
Chennai - 600 113.
5. The Chief Educational Officer,
Thiruvallur District, Thiruvallur.
6. The District Educational Officer,
Ambattur, Thiruvallur District.
7. The Chief Educational Officer,
Salem District, Salem.
8. The District Educational Officer,
Attur, Salem District.
9. The Block Educational Officer-II,
Pethanaickenpalayam Union, Salem District.

10. The Block Educational Officer-II,
Pethanaickenpalayam Union, Salem District.

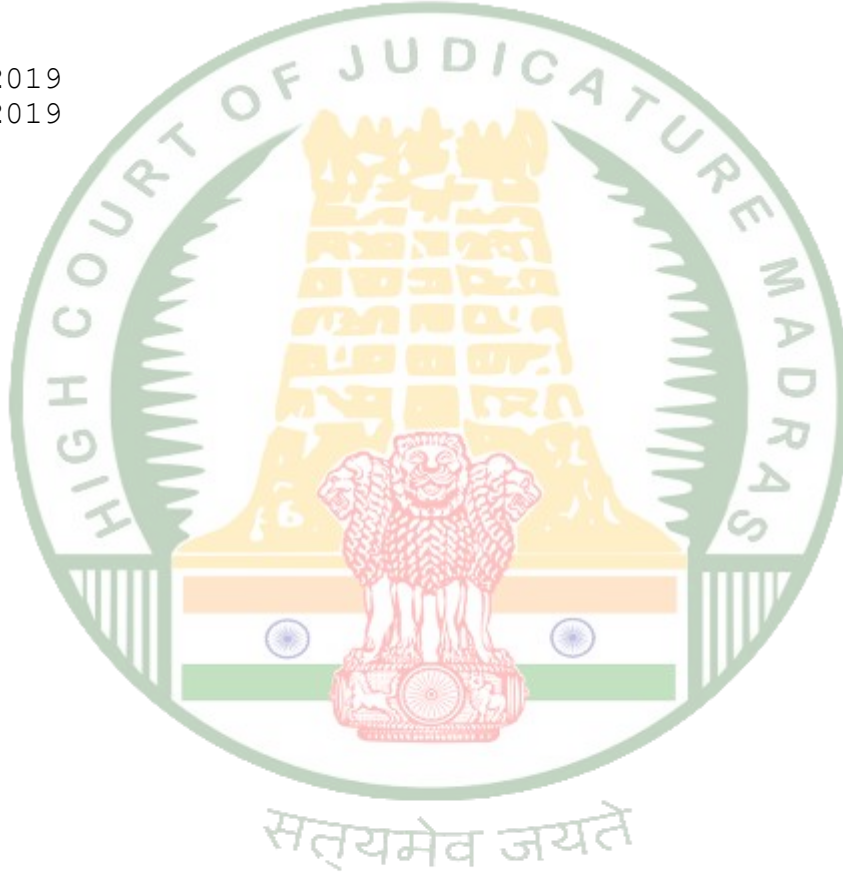
11. The District Chief Educational Officer,
Dharmapuri, Dharmapuri District.

+2cc to Mr.G.Sankaran, Advocate, S.R.No.17917

+3cc to Mr.S.Kumaradevan, Advocate, S.R.No.18304, 18305, 18306

W.P.Nos.1633 to 1635, 1645, 2322, 2325,
2329, 2734 & 2740 of 2019

PA (CO)
CS/09/04/2019
CS/23/04/2019



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