

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.27858 of 2008

V.G.Maheswari

.. Petitioner

-vs-

The Chief Educational Officer
Namakkal District, Namakkal

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the respondent issued in Na.Ka.No.7337/A4/A2/2008 dated 13.10.2008 and quash the same and issue a consequential direction to the respondents to allow the petitioner to continue as a Secondary Grade Teacher in Government Higher Secondary School, Varagur, Namakkal District.

For Petitioner :: Mr.R.Saseetharan

For Respondent :: Mr.K.Karthikeyan
Government Advocate

ORDER

This writ petition has been filed questioning the impugned transfer order dated 13.10.2008 transferring the petitioner from the Government Higher Secondary School, Varagur, Namakkal District to the Government Higher Secondary School, Raa.Pudupalayam, on the ground that she was found surplus. It has been pleaded in the writ petition that when there was a direction issued by the Director of Elementary Education dated 1.6.2000 to transfer only the juniors on account of surplus as an interim measure, the impugned order has been passed without even determining the student-teacher ratio as on 31.8.2008. Therefore, the impugned order is liable to go. When there is already a G.O.Ms.No.250, Education dated 29.2.1964 and also G.O.Ms.No.525 dated 29.12.1997 directing the respondent to fix the student-teacher ratio on or before 31.8.2008 and then to find out the surplus post to be allotted to some other needy school, the respondent, in the present case, has not determined the student-teacher ratio on the basis of the aforementioned two Government Orders before 31.8.2008. Therefore, the impugned

order is illegal, because the admission of students will go upto the end of August, 2008.

2. Mr.R.Saseetharan, learned counsel for the petitioner also submitted that without determining the student-teacher ratio as on 31.8.2008 in the Government Higher Secondary School, Varagur to ascertain how many surplus Secondary Grade Teachers are working, the impugned order ought not to have been passed. Therefore, the same is liable to go, since the conditions mentioned in G.O.Ms.No.250, Education dated 29.2.1964 and also G.O.Ms.No.525 dated 29.12.1997 have not been complied with.

3. A detailed counter affidavit has been filed by the respondent-Chief Educational Officer, Namakkal. The learned Government Advocate for the respondent submitted that when the G.O.Ms.No.525, Education dated 29.12.97 governs the situation, under which the school in question is eligible to have only seven Secondary Grade Teachers for the Classes 6, 7 & 8 and on 1.8.2008, the Government Higher Secondary School, Varagur, in which the petitioner is presently working, had three Secondary Grade Teachers and six (upgraded Secondary Grade) B.Ed teachers handling the Classes 6, 7 & 8, the Chief Educational Officer has rightly found that two posts of Secondary Grade Teachers were surplus as per the revised norms stipulated in the Government Order. Therefore only, the respondent decided to transfer the two surplus posts to the needy schools. Moreover, the Director of Elementary Education in his Rc.No.32229 (ED-3)/99 dated 21.6.2000 directed that whenever any teacher working in the school is found surplus on account of fall in strength, the junior most teacher will be transferred along with the post to the needy school in the same unit. Taking note of the surplus teachers in the Government Higher Secondary School, Varagur, namely, three Secondary Grade Teachers and six B.Ed teachers were working, the respondent has passed the impugned order transferring the petitioner to the needy school. Therefore, there is no illegality in the same.

4. This Court also is able to see that the impugned order of transfer has been effected on finding that the petitioner is a surplus teacher and also in tune with the G.O.Ms.No.525, Education dated 29.12.1997, in and by which the Government Higher Secondary School, Varagur is eligible to have only seven Secondary Grade Teachers for handling the Classes 6, 7 & 8. Therefore, this Court finds no merit in the writ petition. Accordingly, the writ petition stands dismissed. Consequently, interim order of stay stands vacated and the M.P.No.2 of 2008 is also dismissed. No costs. Needless to mention that it is for

the respondent to transfer the petitioner to the needy school,
as she has worked in the present school for more than ten years.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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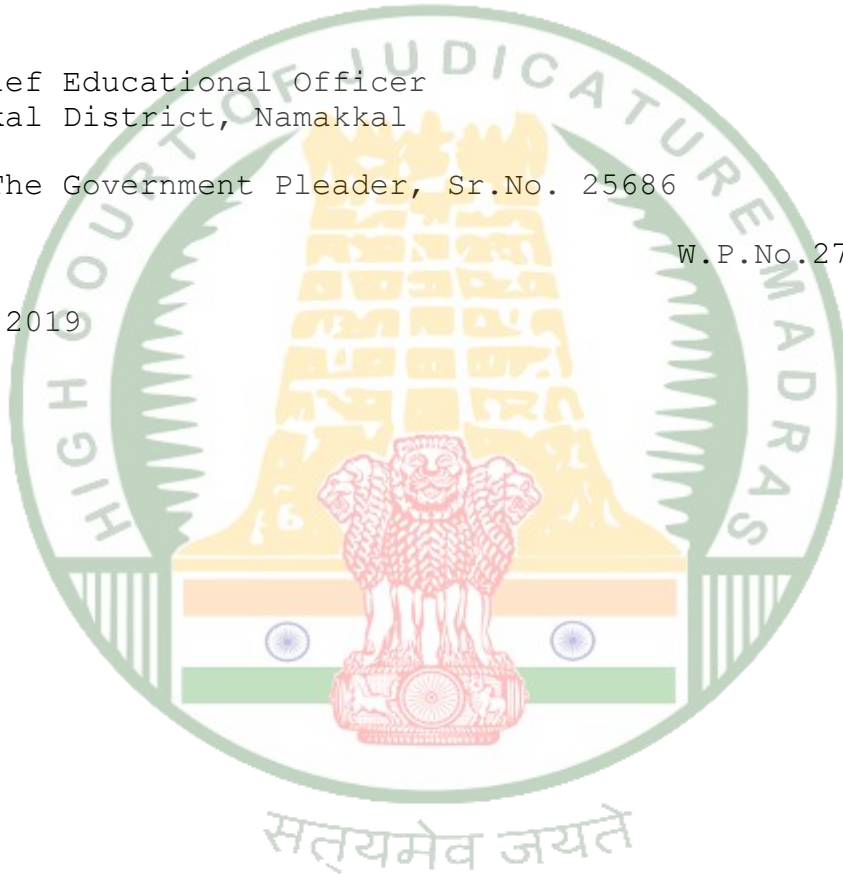
To

1. The Chief Educational Officer
Namakkal District, Namakkal

+1 cc to The Government Pleader, Sr.No. 25686

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EV(CO)
CSL/25.04.2019



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