

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3893 of 2019 and
WMP.Nos.4312 & 4313 of 2019

M.Selvi

.. Petitioner

vs.

1.The Government of Tamil Nadu,
Rep by its Principal Secretary,
School Education Department,
Fort St. George,
Chennai 9.

2.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai 6.

3.The District Educational Officer,
Dharmapuri,
Dharmapuri District.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the impugned orders i.e proceedings of the second respondent in Na.Ka.No.021717/K3/2018 dated 09.01.2019 and the consequential proceedings of the third respondent in Na.Ka.No.7992/M4/2018 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.

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.A.Raja Perumal

Additional Government Pleader.

O R D E R

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 petitioner, who was appointed as Secondary Grade Teacher to take classes up to V Standard, is questioning the circular on the ground that she was appointed as Secondary Grade Teacher only to teach the students from I to V Standards and therefore, the petitioner 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 petitioner have not violated through the impugned circular, the present writ petition cannot be entertained at all. The Circular is no way connected with the service benefits or conditions of the writ petitioner as far as the Post of Secondary Grade Teacher is concerned and therefore, the writ petitioner cannot be construed as an aggrieved person in the Eye of Law. If at all the writ petitioner is very mush specific about taking classes to the students from I to V Standard, it is left open to her to take a decision either to continue the service or not to continue the service in the Education Department. Contrarily, the petitioner 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 petitioner has not established even as semblance of legal right, so as to consider the relief as such sought for in the present writ petition. The writ petitioner cannot question such a policy decision taken by the competent authorities and therefore, the writ petitioner is 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 petition, the writ petitioner has expressed her 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 petitioner, 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 petitioner under the Discipline and Appeal Rules.

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

s/d-

Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

Kmm/kak

To

1. The Principal Secretary,
Government of Tamil Nadu
School Education Department,
Fort St. George,
Chennai 9.

2. The Director of Elementary Education,
DPI Campus,
College Road
Chennai 6.

3. The District Educational Officer,
Dharmapuri,
Dharmapuri District.

+1 CC to Mr.S.Kumaradevan, advocate sr 11643.
+1 CC to Govt. Pleader sr 12844

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SP(15/03/2019)



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