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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.21 of 2018
and C.M.P.No.240 of 2018

1. The Director of School Education,
College Road, Chennai - 600 006
 2. The Joint Director of School Education
[Personnel]
College Road, Chennai - 600 006
 3. The Chief Educational Officer,
Villupuram District, Villupuram
 4. The District Educational Officer,
Villupuram District, Villupuram
- ...Appellants

Vs.

S.Govindarajan

... Respondent

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 25.06.2012 in W.P.No.16000 of 2012 passed by this Court.

Prayer in W.P.16000 of 2012:

Petition U/Art 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 2nd respondent in Na.Ka.No.24454/C2/E-1/2009 dated 25.9.2009 and quash the same in so far as condition No.3 alone and consequently direct the respondents to place the seniority of the petitioner below the successful probationer who is the immediate senior to the petitioner.



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For Appellants : Mr.C.Munusamy
Spl.Government Pleader [Education]

For Respondent : Mr. A.G.Rajan

J U D G M E N T

(Judgment of the Court was made by K.K.SASIDHARAN, J.,)

The respondent in the appeal was transferred from one unit to another pursuant to his request. He was treated as junior of all other B.T.Assistants who were already functioning there under the Director of School Education. The order placing him as junior to the other B.T.Assistants was challenged before the writ court. The learned single Judge allowed the writ petition. Feeling aggrieved, the State has come up with the intra court appeal.

2. The issue raised in the present appeal is covered by a decision of the Division Bench dated 14.12.2012 in W.A.No.2723 of 2012. The Division Bench made it very clear that the teachers on transfer, pursuant to the request would be placed only below all the other employees who were already working there. In view of the binding decision rendered by the Division Bench dated 14.12.2012 in W.A.No.2723 of 2012, we are of the view that the impugned order is liable to be set aside.

The order passed by the writ court is set aside. The Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssd

To

1.The Director of School Education,
College Road, Chennai-6.



4.The District Educational Officer,
Villupuram District, Villupuram.

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