



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2019

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.19744 of 2019
and W.M.P.No.19258 of 2019

V.Senthil

... Petitioner

Vs.

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

2.The Joint Director of School Education (Personnel),
College Road, Chennai-6.

3.The Chief Educational Officer,
Ariyalur District, Ariyalur.

4.The District Educational Officer,
Sendurai Educational District,
Government Model Higher Secondary School Campus,
Sendurai Post - 621 714,
Ariyalur District.

5.The Headmaster,
Government Model Higher Secondary School,
Sendurai Post 621 714,
Ariyalur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to prepare and publish the seniority list in accordance with Rule 35(a) of Tamil Nadu State and Subordinate Service Rules in respect of Graduate Teachers working in Sendurai Educational District, Ariyalur District is concerned, and thereafter conduct the Surplus Teachers Transfer Counseling in Ariyalur District by following the dictum laid down in the judgment dated 13.03.2019 made in W.P.(MD) No.23772/2018.

For Petitioner: Mr.M.Saravanakumar

For Respondents: Mrs.V.Annalakshmi,
Government Advocate.



O R D E R

This writ petition has been filed for issuance of Writ of Mandamus directing the first respondent to prepare and publish the seniority list in accordance with Rule 35(a) of Tamil Nadu State and Subordinate Service Rules in respect of Graduate Teachers working in Sendurai Educational District, Ariyalur District.

2.The grievance of the petitioner is that the respondents are conducting Surplus Teachers Transfer Counselling without publishing the seniority list. The petitioner approached this Court and filed W.P.No.14866 of 2018 and this Court was informed that the seniority of the petitioner has not been disturbed. Recording the same, the writ petition was closed. However, the Education Department has announced the schedule for counseling for transfer of Surplus Graduate Teachers. This would require the publication of seniority since the counseling itself will have to take place in accordance with seniority of the concerned teachers. Since the seniority list has not been published, the petitioner has approached this Court.

3.The learned Government Advocate appearing on behalf of the respondents submitted that the Counselling is done strictly in accordance with the seniority of the Teachers and this Court has already been informed that the seniority of the petitioner has not been disturbed. The learned counsel submitted that the first respondent is in the process of preparing the seniority list and if sometime is given, the same will be published.

4.The learned counsel for the petitioner submitted that the Teachers, who were junior to the petitioner have joined various schools during counselling and the petitioner has not been considered. The learned counsel submitted that if the seniority list is published, each person will know where he stands and accordingly they can workout their remedy.

5.This Court has carefully considered the submission made on either side and perused the materials placed on record.

6.The grievance that has been exposed by the petitioner is that the process of counseling is taking place without fixing a proper seniority as among the Surplus Teachers. If a seniority list is published, there will be more transparency in the entire process and each of the teachers will know where they exactly



stand. If there is any mistake in the fixation of seniority, it can be brought to the notice of the concerned authority and a request can be made for the re-fixation based on materials. If this is not done, no one will be clear about their seniority and it will only add up to the confusion. This Court records the submission made by the learned Government Advocate that the counseling is taking place strictly in accordance with the seniority of the surplus teachers.

7. In view of the above, this writ petition is disposed of with a direction to the first respondent to prepare and publish the seniority list in respect of the graduate teachers throughout the State in accordance with G.O.(1D).No.217 School Education Department, dated 20.06.2019, within a period of four weeks from the date of receipt of copy of this order. The counseling shall take place only in accordance with the seniority list. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of School Education,
College Road, Chennai-6.
2. The Joint Director of School Education (Personnel),
College Road, Chennai-6.
3. The Chief Educational Officer,
Ariyalur District, Ariyalur.
4. The District Educational Officer,
Sendurai Educational District,
Government Model Higher Secondary School Campus,
Sendurai Post 621 714,
Ariyalur District.



5.The Headmaster,
Government Model Higher Secondary School,
Sendurai Post 621 714,
Ariyalur District.

+lcc to Mr.M.Saravana Kumar, Advocate Sr.101035
+lcc to the Government Pleader Sr.100378

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and WMP.No.19258 of 2019

gmr[co]
srg 08/01/2020