

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.08.2019

CORAM
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.19750 of 2019 and
WMP.Nos.19268 and 19269 of 2019

V.Ravi

... Petitioner

Versus

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
2. The Chief Educational Officer,
Tirupur District, Tirupur.
3. The District Educational Officer,
Tirupur District, Tirupur.
4. The Block Educational Officer,
Tirupur District, Tirupur.

.... Respondents

Prayer: This petition has been filed seeking for a Writ of Certiorarified Mandamus calling for the records of the third respondent herein in relation to the impugned order Na.Ka.No.4752/Aa1/2018 dated 3.6.2019 and quash the same and consequently, direct the respondents to absorb the petitioner in the upgraded school or in the alternative consider the petitioner as the senior most secondary grade teacher in the Panchayat Union and promote him to the post of B.T. Assistant to either of the vacancies existing in the Panchayat Union Middle School, Mannari, Tiruppur North Block/Government Middle School, Koolipalayam, Tiruppur North.

For Petitioner : Mrs.Dakshayani Reddy

For Respondents : Mr.K.Karthikeyan, Govt. Advocate

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O R D E R

The petitioner has approached this Court seeking the following reliefs:

To issue a Writ of Certiorarified Mandamus calling for the records of the third respondent herein in relation to the impugned order Na.Ka.No.4752/Aa1/2018 dated 3.6.2019 and quash the same and consequently, direct the respondents to absorb the petitioner in the

upgraded school or in the alternative, consider the petitioner as the senior most secondary grade teacher in the Panchayat Union and promote him to the post of B.T. Assistant to either of the vacancies existing in the Panchayat Union Middle School, Mannari, Tiruppur North Block/Government Middle School, Koolipalayam, Tiruppur North.

2. The case of the petitioner is that he was appointed as a Secondary Grade Teacher in the Panchayat Union Middle School, Dharmapuri District on 14.12.2009. Thereafter, he was promoted to the post of B.T. Assistant in the Panchayat Union Middle School, Dharmapuri District on 06.08.2016. Subsequently, he was transferred as B.T. Assistant to the Municipal School, Masco Nagar, Tiruppur District on 01.06.2017. On 07.08.2018, the Government issued G.O.Ms.No.165, School Education Department, upgrading 100 Middle Schools as High Schools including the Municipal School, Masco Nagar, Tiruppur District. The Government Order mandated that all the B.T. Assistants working in the middle schools shall be absorbed into the High Schools. The petitioner also gave his willingness for absorption in the High School.

3. However, without absorbing the petitioner in the High School, he was reverted to the post of Secondary Grade Teacher vide Order dated 28.08.2018. According to the petitioner, this reversion was done in order to accommodate the Middle School Headmaster who did not want to be absorbed into the High School. In the said circumstances, the petitioner came to be reverted as a Secondary Grade Teacher.

4. In the meanwhile, the 1st respondent also has issued Proceedings dated 20.09.2018 clarifying that the B.T. Assistants in the Middle Schools shall be absorbed into the High Schools. The Proceedings further clarified that if only the B.T. Assistants who are not willing, the question of reversion based on seniority would arise. In this case, admittedly, the petitioner has given his willingness for his absorption in the High School. Therefore, the reversion was not called for in his case.

5. The petitioner has also, in the meanwhile, approached this Court in W.P.No.24747/2018 challenging the order of reversion dated 28.8.2018 and that Writ Petition was disposed of on 26.09.2018 directing the respondents to consider the case of the petitioner. Since the direction was not complied with, a Contempt Petition in C.P.No.1006/2019 was filed. During the hearing of the Contempt Petition, an order dated 03.06.2019 was served on the petitioner stating that the petitioner being the junior most was rightly reverted. The said order is challenged in the present Writ Petition.

6. During the course of argument, Mrs.Dakshayani Reddy, the learned Counsel appearing for the petitioner would submit that the petitioner may be accommodated within the same Panchayat Union wherein vacancies are available.

7. Mr.K.Karthikeyan, learned Government Advocate appearing for the respondents was directed to get instructions with regard to the request of the learned Counsel for the petitioner.

8. Today, when the matter is taken up for hearing, the learned Government Advocate would submit that there is a vacancy available in T.Mannarai, Tiruppur North Block and therefore, the petitioner would be accommodated in the said post. However, the petitioner should give an undertaking that he would join the said post as a junior most in the said Panchayat Union.

9. The learned Counsel appearing for the petitioner would submit that the petitioner would be duly instructed to give an Undertaking that he would be assigned junior most ranking in the said Panchayat Union and on such Undertaking, the petitioner may be accommodated as B.T. Assistant in T.Mannarai, Tiruppur North Block.

10. Considering the above submissions made on behalf of the petitioner and on behalf of the respondents, the Writ Petition is allowed thereby setting aside the impugned order Na.Ka.No.4752/Aal/2018 dated 3.6.2019 of the 3rd respondent with a consequential direction to the respondents to post the petitioner as B.T. Assistant in T.Mannarai, Tiruppur North Block, on getting an Undertaking from him that he would be assigned junior most ranking in the said Panchayat Union.

11. In this connection, the petitioner shall first give an Undertaking within a period of one week from today and on such Undertaking given to the authority, the respondents are directed to pass appropriate orders, within a period of one week thereafter. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

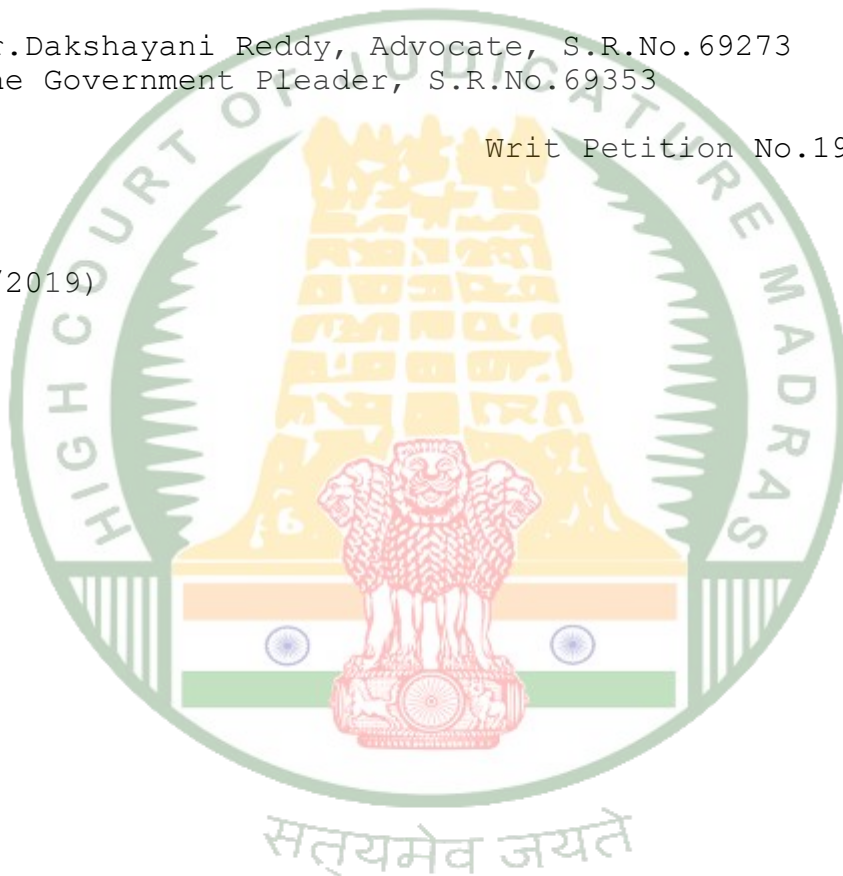
2. The Chief Educational Officer,
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Tirupur.
3. The District Educational Officer,
Tirupur District,
Tirupur.
4. The Block Educational Officer,
Tirupur District,
Tirupur.

+lcc to Mr.Dakshayani Reddy, Advocate, S.R.No.69273
+lcc to the Government Pleader, S.R.No.69353

Writ Petition No.19750 of 2019

VBA (CO)

RRS (22/08/2019)



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