

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM :

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.21172 OF 2019

AND

W.M.P.NOS.20372 & 23331 OF 2019

K.Indhurani

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

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

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

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 3rd respondent in Na.Ka.No.0176/A2/2019 dated 10.07.2019 and to quash the same and consequently to direct the respondents to allow the petitioner to continue to work as P.G. Assistant (Chemistry) in Chrompet MBN Government Girls Higher Secondary School within the sanctioned strength with all consequential and other attendant benefits.

For Petitioner : Mr.Sankaran.G
For Respondents : Mrs.P.Kavitha
Government Advocate

O R D E R

Writ petition is filed for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order of deployment issued by the 3rd respondent dated

10.07.2019 and quash the same and consequently to direct the respondents to allow the petitioner to continue to work as P.G.Assistant (Chemistry) in Chrompet MBN Government Girls Higher Secondary School within the sanctioned strength.

2.The case of the petitioner is that she was appointed as P.G.Assistant (Chemistry) on 04.12.2013 and posted in Government Boys Higher Secondary School, Thirukazhukundram, Kancheepuram District. Thereafter, she was transferred to Government Girls Higher Secondary School, Chrompet, on 18.06.2018 through transfer counseling. However, after few months, i.e. on 10.07.2019, she was issued with order of deployment by the 3rd respondent dated 10.07.2019 deploying her to Government Girls Higher Secondary School, Walajabad, on the ground that she is a surplus teacher. Aggrieved by the said order of deployment, the petitioner has filed the above writ petition.

3.Learned counsel for the petitioner submitted that the petitioner is not a surplus teacher in the Government Girls Higher Secondary School, Chrompet. It is the contention of the learned counsel that the assessment of students' strength would be made in the month of August every year after the completion of students' admission and on that basis, in the event of there being any surplus teacher in a particular school, he/she would be deployed to the needy school. However, in the present case, the assessment of students' strength was made as on 01.08.2018 and was arrived to be 350. However, for the academic year 2019-2020, the students' strength in Government Girls Higher Secondary School, Chrompet, increased to 405. The learned counsel further contended that the students' strength of previous year cannot be the basis for deployment of surplus teacher(s) in respect of the academic year 2019-2020 when there is an increase in number of students' strength in the school and prayed to set aside the impugned order of deployment.

4.Learned Government Advocate appearing for the respondents submitted that the deployment counseling was conducted on 10.07.2019 and the petitioner herself selected the place of her own choice, i.e., Government Girls Higher Secondary School, Walajabad and she was relieved on 11.07.2019 F.N. from the school in which she was working, but she went on medical leave from 11.07.2019. The learned Government Advocate further contended that, since admissions are made upto 31st August, the eligibility of the Post Graduate Teachers was calculated as on 01.08.2018 and the petitioner's post was found to be surplus and hence, she was deployed to a needy school and therefore, the impugned order is valid and prayed for dismissal of the writ petition.

5.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials on record.

6.Admittedly, the assessment of the students' strength was made as on 01.08.2018 and deployment of surplus teachers was made on 10.07.2019, i.e. for the academic year 2019-2020. In the opinion of this Court, the 3rd respondent ought not to have taken the assessment made on 01.08.2018 for the purpose of reckoning the surplus teachers, since, admissions are being done till 31st August 2018 of every year and moreover, there seems to be an increase in students' strength in the said school for the academic year 2019-2020. In the light of the above and considering the facts and circumstances of the case, the impugned order of deployment dated 10.07.2019 passed by the 3rd respondent deserves to be set aside and is accordingly set aside.

7.Consequently, this writ petition is allowed. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
State of Tamil Nadu, School Education Department,
Secretariat, Fort St. George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Kancheepuram District, Kancheepuram.

+1cc to Mr.Sankaran.G, Advocate, S.R.No.99170
+1cc to the Government Pleader, S.R.No.99999

W.P.No.21172 of 2019

VGI(CO)
CS/10/01/2020