

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26326 of 2019

and WMP No.25675 of 2019

S.Kalaiyarasi

... Petitioner

Vs.

1. The Director of School Education,
College Road, Chennai - 6.
2. The Chief Educational Officer,
Erode District, Erode.
3. The District Educational Officer,
Erode District, Erode.
4. The Headmaster,
Government High School,
Sinthagoundapalayam,
Erode District.
5. The Assistant Elementary Educational Officer,
Anthiyur Panchayat Union,
Anthiyur, Erode District.

6. Tmt.S.Divya

... 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 of the 2nd respondent in relation to the proceedings issued in Na.Ka.No.11393 /A2/2018 dated 28.08.2019 issued by the 2nd respondent and quash the same and issue a consequential direction to the respondents 1 to 5 to allow the petitioner to continue as B.T.Assistant in English at Government High School, Sinthagoundapalayam Erode District.

For Petitioner

: Mr.R.Saseetharan

For Respondents

: Mrs.P.Kavitha,
Government Advocate

O R D E R

This writ petition has been filed by the petitioner seeking Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in relation to the proceedings issued in Na.Ka.No.11393 /A2/2018 dated 28.08.2019 issued by the 2nd respondent and quash the same and for a consequential direction to the respondents 1 to 5 to allow the petitioner to continue as B.T.Assistant in English at Government High School, Sinthagoundapalayam Erode District

2. The case of the petitioner is that the petitioner was initially appointed as Secondary grade Teacher based on the list sponsored by the Employment Exchange as per the order of the District Elementary Educational Officer, Salem District. Subsequently, transferred to Anthiyur Panchayat Union, Erode District in the year 2004. On 20.05.2017, the petitioner was found surplus and hence, transferred to Sinthagoundanpalayam from Thevarmalai, Anthiyur Panchayat Union, Erode District and since then, the petitioner is continuing as B.T.Assistant over there. Further, the petitioner states that it is the practice and procedure of the Government that whenever a need arises, the Panchayat Union Middle School will be upgraded as Government High School. On such upgradation, standards 1 to 5 will be retained as Panchayat Union Primary School and the Standard 6 to 8 would be upgraded as Government High School by adding standard 9 and 10th and that the teacher who give willingness to absorb in the high school, will be absorbed as teachers under the Tamil Nadu Elementary Educational Subordinate Service. Accordingly, the petitioner gave willingness on 24.07.2017.

3. Thereafter, the 5th respondent is transferred as B.T.Assistant from Pavalam, Villupuram District to Sinthagoundanpalayam on 19.07.2017 in excess of allotted B.T.Assistant as per the G.O.Ms.No.174 dated 18.07.2017 and therefore, 5th respondent cannot be treated as Senior to petitioner. Since the petitioner being a B.T.Assistant in English in Sinthagoundanpalayam and the 5th respondent is a Junior, she has to be deployed first on the ground of surplus instead of petitioner. The 2nd respondent vide impugned order dated 28.08.2019, published the Student teachers strength, wherein the petitioner was found surplus. Challenging the said impugned order be illegal, the petitioner filed this writ petition.

4. Mr.R.Saseetharan, learned counsel for the petitioner submitted that the student teachers list calculated as on 01.08.2018 is illegal and not correct as per G.O.N.1820 dated 21.11.1984. The learned counsel for the petitioner confined his argument and submitted that the petitioner can be permitted to make a fresh representation and seeking for a direction to direct the respondents 1 to 5 to consider the case of the petitioner, as per the existing vacancy and the seniority list.

5. Heard the submission of both sides and perused the material placed before it.

6. Though the petitioner has sought for a larger relief, this Court without going into the merits of the case, directs the petitioner to give fresh representation within a period of one week from the date of receipt of copy of this order and the respondents 1 to 5 on receipt of such representation, shall consider the claim of the petitioner as per existing vacancy and seniority list and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

rka

To

1. The Director of school Education,
College Road, Chennai - 6.
2. The Chief Educational Officer,
Erode District, Erode.
3. The District Educational Officer,
Erode District, Erode.

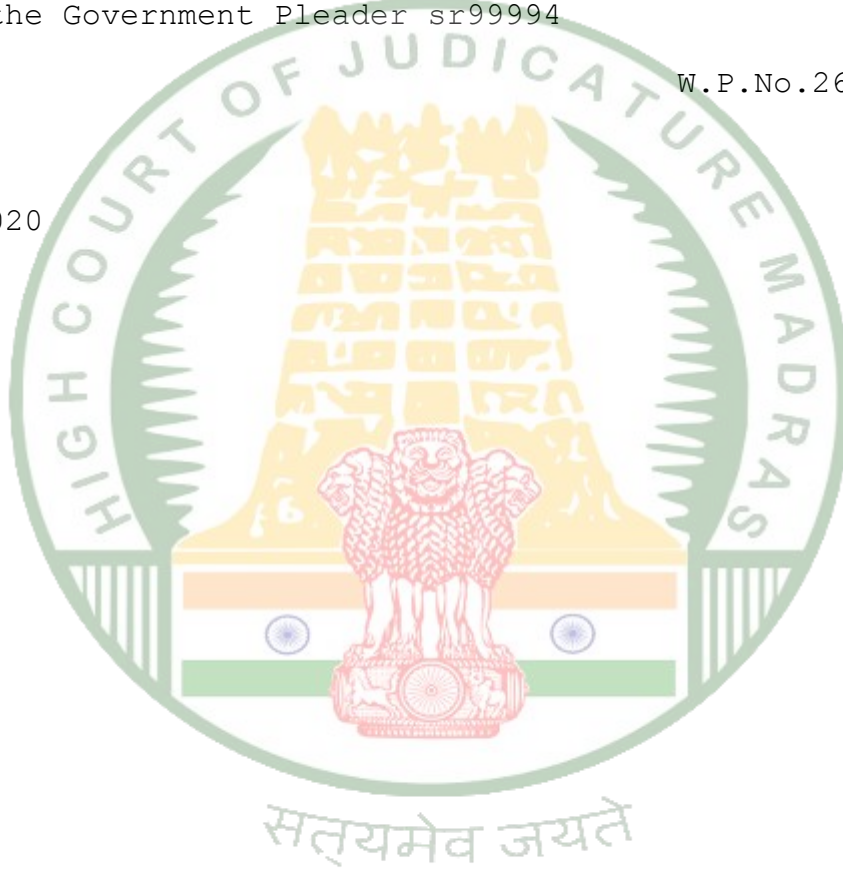
4. The Headmaster,
Government High School,
Sinthagoundapalayam,
Erode District.

5. The Assistant Elementary Educational Officer,
Anthiyur Panchayat Union,
Anthiyur, Erode District.

+1 cc to M/s.R.Saseetharan Advocate sr99597
+1 cc to the Government Pleader sr99994

W.P.No.26326 of 2019

aa21/01/2020



WEB COPY