

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27944 of 2019
and
W.M.P.No.27531 of 2019

D.Arul Jothi Selvan

.. Petitioner

Vs.

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Thiruppur District, Thiruppur.
3. The District Educational Officer,
Udumalaipet Education District,
Thiruppur District.
4. The Block Educational Officer,
Madathukkulam Block,
Thiruppur District.

... 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 the impugned order issued by the third respondent in Na.Ka.No.1366/A1/2019 dated 30.08.2019 and quash the same and consequently directing the respondents to allow the petitioner to continue to work as a Secondary Grade Teacher in Komaralingam West Primary School, Madathukkulam Block, Thiruppur District.

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

O R D E R

This Writ Petition is filed for a Writ of Certiorarified Mandamus, to call for the records relating the impugned order issued by the third respondent in Na.Ka.No.1366/A1/2019 dated

30.08.2019 and quash the same and consequently directing the respondents to allow the petitioner to continue to work as a Secondary Grade Teacher in Komaralingam West Primary School, Madathukkulam Block, Thiruppur District.

2. The case of the petitioner is that he was initially appointed as Secondary Grade Teacher in Elementary Education on 05.09.2001 in Madathukkulam Block, Thiruppur District and he joined in Komaralingam West Primary School on 02.06.2010. As per Rule 9 of Special Rules notified in G.O.Ms.No.1383, Education Department, dated 23.08.1988, each Panchayat Union shall be a Unit for the purpose of seniority, promotion and other condition of service. The Government issued G.O.(1D) No.217, School Education (Pa.Ka.1(5)), Department dated 20.06.2019, prescribing guidelines for deployment of surplus teachers in Elementary Education and School Education. As per the Government Order, the students studying in English Medium also be considered for teacher pupil ratio and there are 264 students studying in Komaralingam West Primary School with 132 students each in Tamil and English Medium. As per Section 19 of Right to Children to Free and Compulsory Education Act, 2009, 5 teachers are required for the students strength between 121 and 200 and the same has been directed in G.O.(1D) No.217, School Education (Pa.Ka.1(5)), Department dated 20.06.2019. According to above said Government Order, there are 10 teachers required in Komaralingam West Primary School, whereas, only 9 teachers are working at present. There are also need post in number of Schools within the same Madathukkulam Block. In spite of the above facts, the third respondent issued the impugned order dated 30.08.2019 deploying the petitioner from Komaralingam West Primary School to Vanchipuram Primary School, which is located at a distance of 30 Kms. The impugned order of deployment is in violation of Government Order and hence, the petitioner has come out with the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner joined the transferred place and the petitioner is working as Secondary Grade Teacher for more than 10 years and also he is not a surplus teacher. Hence, this Court may permit the petitioner to make a representation to the respondents to join in the nearest place in the existing vacancy within the same Panchayat Union and further issue a direction to the respondents to consider the representation of the petitioner and pass orders on the same on merits.

4. Heard the learned counsel appearing for the petitioner as well as learned Government Advocate appearing for the respondents and perused the entire materials on record.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel appearing for the petitioners, this Court directs the petitioner to make a representation to the concerned Authority within a period of two weeks and if any such representation was received from the petitioner, the concerned Authority shall pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No 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 Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Thiruppur District, Thiruppur.
3. The District Educational Officer,
Udumalaipet Education District,
Thiruppur District.
4. The Block Educational Officer,
Madathukkulam Block,
Thiruppur District.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.100074

+1cc to the Government Pleader, S.R.No.100461

W.P.No.27944 of 2019

MB(CO)
CS/19/02/2020