

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.30828, 30830, 30835 & 30837 of 2019
and
W.M.P.Nos.30906, 30907, 30910, 30911, 30913, 30914,
30918 & 30919 of 2019

D.Selva Rani ... Petitioner
(in W.P.No.30828 of 2019)

K.Kavitha ... Petitioner
(in W.P.No.30830 of 2019)

K.Bhuvaneswari ... Petitioner
(in W.P.No.30835 of 2019)

K.Regina Kathiren Joice ... Petitioner
(in W.P.No.30837 of 2019)

Vs.

1. The Principal Secretary to the Government,
The Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Coimbatore District, Coimbatore.
4. The District Educational Officer,
Coimbatore District, Coimbatore. ... Respondents 1 to 4
(in all W.Ps)
5. The Block Development Officer,
Sultanpet Panchayat Union,
Sultanpet, Coimbatore District. ... 5th respondent
(in W.P.No.30828 of 2019)

5. The Block Development Officer,
Sarkar Samakulam Panchayat Union,
Sarkar Samagulam,
Coimbatore District.

... 5th respondent
(in W.P.No.30830 of 2019)

5. The Block Development Officer,
Pollachi North,
Coimbatore District.

... 5th respondent
(in W.P.Nos.30835 & 30837 of 2019)

Prayer in W.P.No.30828 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in relation to para 4 (II)(ii) of G.O.(1D) No.217, School Education (S.E.5 (1)) department dated 20.06.2019 issued by the 1st respondent and quash the same in so far as the petitioner is concerned and consequently quash the proceedings issued in Na.Ka.No.7574/E3/2019 dated 30.08.2019 issued by the 3rd respondent and issue a direction to the respondents to allow the petitioner to continue to work as Secondary Grade Teacher at Panchayat Union Middle School, Okkilipalayam, Madukkarai Panchayat Union, Coimbatore District.

Prayer in W.P.No.30830 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in relation to para 4 (II)(ii) of G.O.(1D) No.217, School Education (S.E.5 (1)) department dated 20.06.2019 issued by the 1st respondent and quash the same in so far as the petitioner is concerned and consequently quash the proceedings issued in Na.Ka.No.7574/E3/2019 dated 30.08.2019 issued by the 3rd respondent and issue a direction to the respondents to allow the petitioner to continue to work as Secondary Grade Teacher at Panchayat Union Middle School, Kumittipathi, Madukkarai Panchayat Union, Coimbatore District.

Prayer in W.P.No.30835 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in relation to para 4 (II)(ii) of G.O.(1D) No.217, School Education (S.E.5 (1)) department dated 20.06.2019 issued by the 1st respondent and quash the same in so far as the petitioner is concerned and consequently quash the proceedings issued in Na.Ka.No.7574/E3/2019 dated 30.08.2019 issued by the 3rd respondent and issue a direction to the respondents to allow the petitioner to continue to work as Secondary Grade Teacher at Panchayat Union Middle School, Othakalmandapam, Madukkarai Panchayat Union, Coimbatore District.

Prayer in W.P.No.30837 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in relation to para 4 (II)(ii) of G.O.(1D) No.217, School Education (S.E.5 (1)) department dated 20.06.2019 issued by the 1st respondent and quash the same in so far as the petitioner is concerned and consequently quash the proceedings issued in Na.Ka.No.7574/E3/2019 dated 30.08.2019 issued by the 3rd respondent and issue a direction to the respondents to allow the petitioner to continue to work as Secondary Grade Teacher at Panchayat Union Middle School, Madukkarai, Madukkarai Panchayat Union, Coimbatore District.

(in all W.Ps):

For Petitioners : Mr.R.Saseetharan
For Respondents : Ms.P.Kavitha
Government Advocate

C O M M O N O R D E R

These Writ Petitions are taken up for final disposal and disposed of by way of common order, since the issues involved in these Writ Petitions are similar in nature.

2. The petitioners have filed these writ petition, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records in relation to para 4 (II)(ii) of G.O.(1D) No.217, School Education (S.E.5(1)) department dated 20.06.2019 issued by the 1st respondent and quash the same in so far as the petitioners are concerned and consequently quash the proceedings issued in Na.Ka.No.7574/E3/2019 dated 30.08.2019 issued by the 3rd respondent and issue a direction to the respondents to allow the petitioners to continue to work as Secondary Grade Teacher at their respective Panchayat Union Middle Schools, Madukkarai Panchayat Union, Coimbatore District.

3. The case of the petitioners is that they were appointed as Secondary Grade Teachers on 04.09.2001, 03.01.2006, 17.12.2012 and 15.12.2000 at different places and they were transferred to Madukkarai Panchayat Union on 15.11.2003, 30.07.2012, 06.02.2014 and on 12.06.2002 respectively at different Schools. The petitioners were working as Secondary Grade Teachers for more than 5 years and they are not surplus teachers. Thereafter, the 3rd respondent by the letter bearing Na.Ka.No.7574/E3/2019 dated 30.08.2019 transferred the petitioners from one Panchayat Union to another Panchayat Union. The petitioners also joined the transferred place by obeying the

order of the 3rd respondent. As per G.O.(1D) No.217, School Education (S.E.5(1)) department dated 20.06.2019 issued by the 1st respondent, on surplus of post, the station junior shall be redeployed from one union to another union. The said Clause is violative of Rule 9 of Tamil Nadu elementary Educational Subordinate Service Rules. As per the seniority list on 01.01.2019, the juniors to petitioners in the list of Secondary Grade Teacher for Madukkarai Panchayat Union, got retained in the Madukkarai Panchayat Union itself, whereas the petitioners are transferred from one Union to another Union, which violates the principles of seniority. Challenging the same, the petitioners have come out with the present Writ Petitions.

4. The learned counsel appearing for the petitioners would submit that there was six needy posts of Secondary Grade Teachers in the Madukkarai Panchayat Union and hence, the petitioners cannot be considered as surplus teachers. Hence, this Court may permit the petitioners to make a representation to the respondents to join in any one of the six needy posts or any vacancy that arises in future of Secondary Grade Teachers in Madukkarai Panchayat Union and further issue a direction to the respondents to consider the representations of the petitioners and pass orders on the same on merits.

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

6. 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 petitioners to make a representation to the respondents within a period of two weeks and if any such representation was received from the petitioners, the respondents 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.

7. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

krk

To

- 1.The Principal Secretary to the Government,
The Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 600 009.
 - 2.The Director of Elementary Education,
College Road, Chennai - 600 006.
 - 3.The Chief Educational Officer,
Coimbatore District, Coimbatore.
 - 4.The District Educational Officer,
Coimbatore District, Coimbatore.
 - 5.The Block Development Officer,
Sultanpet Panchayat Union,
Sultanpet, Coimbatore District.
 - 6.The Block Development Officer,
Sarkar Samakulam Panchayat Union,
Sarkar Samagulam,
Coimbatore District.
 - 7.The Block Development Officer,
Pollachi North,
Coimbatore District.
- +4 Ccs to Mr.R.Saseetharan, Advocate sr 99895.
+1 CC to The Govt. Pleader sr 100463.

सत्यमेव जयते

WEB COPY

W.P.Nos.30828, 30830,
30835 & 30837 of 2019

PP(CO)
SP(24/02/2020)