



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.08.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P[MD]No.15261 of 2012

S.Nageswari

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Karur District,
Karur.

2.Krishnaveni
Panchayat Union Middle School,
Kalutharukka Patti,
Kadavur, Karur.

... Respondents

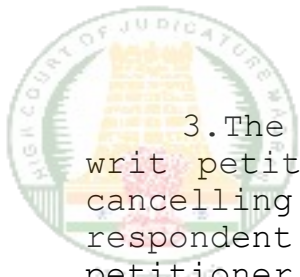
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order vide Na.Ka.No.1257/Aa3/2012 dated 21.11.2012 passed by the first respondent and quash the same and consequently direct the first respondent to retain the petitioner as B.T.Assistant in Panchayat Union Middle School, Pooncholai Patti, Kadavur Union, Karur District.

For Petitioners	: Mr.S.Anwar Sameem
For Respondent No.1	: Mrs.S.Srimathy
	Special Government Pleader
For Respondent No.2	: No appearance

O R D E R

The order of reversion dated 21.11.2012 passed by the first respondent is sought to be challenged in the present writ petition.

2.The writ petitioner was appointed as Secondary Grade Teacher and subsequently promoted to the post of B.T.Assistant. The grievances of the writ petitioner is that in order to accommodate the second respondent in the place of the writ petitioner, the petitioner was reverted to the post of Secondary Grade Teacher and in the place of the writ petitioner, the second respondent was posted as B.T. Assistant. Challenging the said reversion order, the present writ petition is filed.



3.The order impugned states that the promotion granted to the writ petitioner was cancelled in proceedings dated 21.11.2012. By cancelling the promotion granted to the writ petitioner, the second respondent was accommodated. Thus, the learned Counsel for the writ petitioner reiterated that the reversion order was issued with a favour to accommodate the second respondent in the place of the writ petitioner which cannot be done.

4.On a perusal of the order, it is found that the reversion order was issued on account of want of vacancy or otherwise. An employee can be reverted for want of vacancy on administrative reasons. However, no employee can be reverted for the purpose of accommodating another person in a particular place or post. Learned Special Government Pleader for the first respondent is unable to establish that during the relevant point of time, no vacancy was available to accommodate the writ petitioner and the second respondent was senior to the writ petitioner. In the absence of establishing that there were reasons administrative reasons for reversion, the order of reversion cannot be sustained. This apart, by virtue of the interim order granted in the year 2012, the writ petitioner is continuing in the said post for the past more than six years during the pendency of the writ petition.

5.At this juncture, this Court is of the considered opinion that many number of vacancies in the post of B.T.Assistant would have arisen and accordingly, the writ petitioner must be allowed to continue in the same post as B.T.Assistant. As far as the vacancy position is concerned, the first respondent is directed to ascertain the same and accordingly, regulate the promotions, accommodations and transfers strictly in accordance with the Government orders as well as the Rules in force.

6.In view of the fact that the writ petitioner is continuing in the post of B.T.Assistant, and by this time, many number of vacancies would have arisen, the reversion order is to be scrapped. Accordingly, the impugned order dated 21.11.2012 is quashed and the first respondent is directed to assess the vacancy position and accordingly regulate the terms of accommodation strictly in accordance with the Rules and Government orders in force.

7.Accordingly, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar



W.P.[MD]No.15261/12

To

The District Elementary Educational Officer,
Karur District,
Karur.

WEB COPY

+1 CC to M/s.SPL GP (SR-79667[F] dated 05/08/2019)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-79838[F] dated
05/08/2019)

W.P[MD]No.15261 of 2012
02.08.2019

mr

JM/28.08.2019/3P/4C