



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) Nos.19192 to 19198 of 2015

and

M.P. (MD) Nos.1,1,1,1,1,1,1,2,2,2,2,2 and 2 of 2015

WEB COPY

N.Ibrahi Bathu	... Petitioner(s) in WP(MD)No.19192/2015
V.Visalatchi	... Petitioner(s) in WP(MD)No.19193/2015
A.Satya	... Petitioner(s) in WP(MD)No.19194/2015
K.Anni Rachel	... Petitioner(s) in WP(MD)No.19195/2015
M.Selvi	... Petitioner(s) in WP(MD)No.19196/2015
P.Sakila	... Petitioner(s) in WP(MD)No.19197/2015
L.Amaravathi	... Petitioner(s) in WP(MD)No.19198/2015

Vs

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

2.The Assistant Elementary Educational Officer,
Palai Nagar Range,
Tirunelveli and District.

...Respondents in all Writ Petitions

3.The Secretary,
M.N.Abdur Rahman Primary School,
Khadir Nagar, High Ground,
Tirunelveli District.

...3rd Respondent(s) in WP(MD)
No.19192/2015

4.The Secretary,
Manoranjitham Middle School,
Kokkirakulam, Tirunelveli District

...3rd Respondent in WP(MD)
Nos.19193/2015 & 19194/2015

5.The Secretary, A.D.Primary School,
Ambikapuram, Melapalayam, Tirunelveli District.

...3rd Respondent in WP(MD)
Nos.19195,19196 & 19198/2015

6.The Secretary, Kajanathul Ulum Primary School,
Melapalayam, Tirunelveli District

.....3rd Respondent(s) in
WP (MD) No.19197/2015

**COMMON PRAYER IN WP(MD)NOS.19192/2015 TO 19198/2015:**

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.135/A1/2013 dated 22.09.2015 in so far as the petitioner is concerned and to quash the same.

For Petitioner : Mr.F.Deepak
in all the Writ Petitions

For R1 and R2 : Mrs.S.Srimathy, Special Government Pleader
in all the Writ Petitions

For R3 : No appearance
in all the Writ Petitions
(In all Writ Petitions)

COMMON ORDER

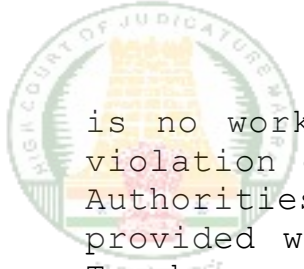
The order declaring the writ petitioners as surplus and transferring the petitioner to available vacancies in some other schools, is under challenge in the present writ petition.

2.Admittedly, the appointment of the writ petitioners were already approved and the writ petitioners were treated as surplus employees with reference to the inspection report submitted by the competent authority. In view of the fact that there was no staff strength during the relevant point of time, the order deputing the writ petitioners to some other schools in available vacancies is challenged.

3.This Court is of the considered opinion that the competent authorities / respondent must strictly follow the Government Orders in respect of treating the teachers as surplus. In the event of staff strength and adequate student strength, as per the inspection report, those teachers may be allowed to continue in the event of low strength or no strength. Such actions are to be initiated to depute such teachers to some other schools in available vacancies. The idea of continuing such an exercise during every academic year is to ensure that Government funds are not misused or a teacher cannot be posted in a place where there is no work. A huge amount of salary is being paid to the teachers from the tax payers money. The said public money should not be wasted. The tax payers money is to be utilized judicially by the State under the constitution.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Thus, allowing the teacher to work in a school where there



is no work and paying salary to such teachers is undoubtedly in violation of the Rules in force. Thus, the competent Educational Authorities are duty bound to ensure that all the teachers are provided with the work properly with reference to the Students - Teachers ratio fixed by the Government by way of a policy. The Students - Teachers ratio must be followed scrupulously. The surplus teachers are to be accommodated either by transfer or by deputing them properly.

5.This being the object of deployment and redeployment or transfer, this Court is of the considered opinion that such an administration affair is the prerogative of the authorities. A teacher will get a cause only if the policy of the Government, in this regard, is violated by the competent educational authorities. In all other circumstances, the authorities competent are empowered to post the teacher in an available vacancy if no adequate teacher strength is available in an existing school. If adequate student strength is not available, the teachers are being paid salary from the tax payers money without performing any duties and responsibilities.

6.This being the considered opinion that the respondents are bound to consider the current academic year inspection report and accordingly take all suitable actions in accordance with the statute Rules and guidelines issued by the Government in this regard.

7.As far as the present writ petitions are concerned, the exercise has been done by the authorities during the year 2015 and on account of efflux of time, the authorities have to review the factual circumstances and initiate appropriate action in the interest of the Department as well as to protect the financial interest of the State.

8.With this direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

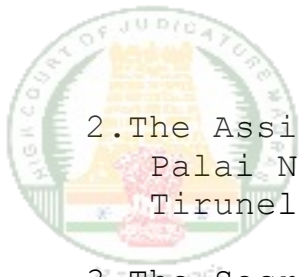
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

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Tirunelveli District,
Tirunelveli.



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6.The Secretary, Kajanathul Ulum Primary School,
Melapalayam, Tirunelveli District

+1 CC to M/s.F.DEEPAK, Advocate (SR-68928[F] dated 14/06/2019)

+1 CC to M/s.SPL GP (SR-69283[F] dated 17/06/2019)

PNN

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and

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KM/ (19.07.2019) 4P 9C