



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

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

WEB COPY

W.P. (MD) No.21636 of 2015
and
M.P. (MD) Nos.1 to 3 of 2015 and
W.M.P. (MD) No.2086 of 2016

M.Vinoth Kesavalu

... Petitioner

Vs

- 1.The State Project Director
Sarva Shiksha Abhiyan Mission,
D.P.I.Campus, College Road,
Nungambakkam,
Chennai- 600 006.
- 2.The Chief Educational Officer,
Thoothukudi District,
Seenavaana Higher Secondary school- campus,
Devarpuram Road,
Thoothukudi - 628 002.
- 3.The Additional Chief Educational Officer,
Directorate of Sarva Shiksha Abiyan Mission,
Thoothukudi District,
Seenavaana Higher Secondary School-campus,
Devarpuram Road,
Thoothukudi - 628 002.
- 4.The Headmaster,
Government High School,
Eppothumvendran,
Thoothukudi District - 628 712.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records pertaining to the impugned order of the second respondent in Na.Ka.No.--/B2/2015 dated 21.11.2015 and consequent proceeding of the fourth respondent in Na.Ka.No.071/2015-16 dated 25.11.2015 and quash the same and consequently direct the respondents to permit the petitioner to continue work in the Government High School, Eppothumvendran.



For Petitioner : Mr.B.Rooban

For Respondents : Mrs.S.Srimathy
Special Government Pleader

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ORDER

The order of transfer issued on the ground of surplus in proceedings dated 21.11.2015 is under challenge in the present writ petition.

2.The writ petitioner was holding the post of part time Physical Education Instructor was transferred from the Government High School, Eppothumvendran to Government High School, Kazhugumalai. The order of transfer was issued based on the inspection report submitted by the competent educational authority based on the staff strength and the students strength. The writ petitioner was transferred on administrative grounds, as he was continuing in the school at Eppothumvendran as surplus. The learned counsel for the petitioner states that by virtue of an interim order, the writ petitioner is continuing in the same place at Eppothumvendran.

3.Such a circumstances cannot be continued in view of the fact that in the absence of any students strength, no teacher can be allowed to work in the same station. In view of the fact that the salary is being paid from the tax payers money, the teachers have to do the duties and responsibilities. If there is no adequate students strength, there is no work for the teachers. If there is no work for the teachers, they are liable to be deputed to another school, where there is a vacancy. No teacher can be allowed to work in a place where there is no students strength.

4.This being the legal principles, as per the transfer policy of the Government, this Court cannot allow the writ petitioner to continue in the same station for an another specified period. In view of the fact that the writ petitioner had worked so many years in the present place, he is allowed to be transferred to some other place. Thus, the writ petitioner is not entitled to get any relief in the present writ petition, on account of the fact that the writ petitioner had already continued in the same station for many years, all suitable actions are to be initiated.

5.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(AD-II)

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To

1. The State Project Director
Sarva Shiksha Abhiyan Mission,
D.P.I. Campus, College Road,
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Thoothukudi - 628 002.
 4. The Headmaster,
Government High School,
Eppothumvendran,
Thoothukudi District - 628 712.
- +1 CC to M/s.B.ROOBAN, Advocate in SR-68989
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.69282

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PNN

PK/10.07.2019 : 3P/7C