



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.08.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

WEB COPY

W.P(MD)No.14783 of 2019 and
WMP(MD).No. 11198 and 12154 of 2019

M. Vimala

... Petitioner

Vs.

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

2.The Block Educational Officer,
Kulithalai Union,
Karur District.

3.N.S. Safna Afrin

4.B. Thilagavathi

5.S.Vahitha Rahman

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Na.Ka.No. 5765/A2/2018, dated 03.06.2019 of the 1st respondent herein and quash the same and consequently, direct the respondents 1 and 2 herein to deploy any one of the respondents 3 to 5 herein in the Anganwadi Centre in the Panchayat Union Middle School, Nangavaram, Kulithalai Union, Karur District.

For Petitioner : Mr.T. Pon Ramkumar

For Respondents : Mrs. Srimathy
Special Government Pleader

ORDER

This Writ Petition is filed to quash the impugned order passed by the first respondent in Na.Ka.No. 5765 / A2 / 2018, dated 03.06.2019 and consequently, direct the respondents 1 and 2 herein to deploy any one of the respondents 3 to 5 herein in the Anganwadi Centre in the Panchayat Union Middle School, Nangavaram, Kulithalai Union, Karur District.

2. According to the petitioner, she was working as Secondary Grade Teacher in Panchayat Union Primary School, Inungur,

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



Kulithalai Union, Karur District. At this stage, contrary to the proceedings of the Director of Elementary Education, dated 23.05.2019, the petitioner has been deployed to the Anganwadi Centre in the Panchayat Union Middle School, Nangavaram, Kulithalai Union, Karur District. There is no surplus teachers available for deployment to the Anganwadi Centre. Challenging the aforesaid impugned order, the petitioner has filed the present Writ Petition before this Court.

3. For the aforesaid contention, the first respondent herein has filed the counter affidavit, by stating that initially the petitioner was appointed as Secondary Grade Teacher on 28.09.2004 in the Panchayat Union Primary School, Inungur, Kulithalai Union, Karur District and presently, she is working in Panchayat Union Middle School, Nangavaram, Kulithalai Block, Karur District. The Government has passed G.O.(Ms).No. 89, Social Welfare and Nutritious Meal Programme (SW-7(1)) Department, dated 11.12.2018, wherein, the Government has introduced Montessori educational based LKG / UKG classes on pilot basis for three years in Anganwadi Centres located within the Government Middle School premises in convergence with the School Education Department. Subsequently, the Director of Elementary Education, Tamil Nadu, Chennai - 6 in his proceedings in R.C.No. 21717/K3/2018, dated 09.01.2019 directing re-deployment of surplus Secondary Grade Teachers in the School Education Department to the Anganwadi Centres to teach LKG / UKG students. The petitioner was deputed to Anganwadi Centre in Panchayat Union Middle School, Nangavaram, Kulithalai Union, Karur District, as temporarily until further orders passed by the Chief Educational Officer.

4. According to the respondents, the petitioner's deputation is only temporary, to take care and smooth functioning of the Anganwadi Centre in the Panchayat Union Middle School and not deployed as permanently to the Anganwadi Centre. Hence, the contention of the petitioner as alleged in the affidavit are in correct and there is no degradation of status or reduction in the salary of the petitioner. Further, it has been stated in the counter affidavit that the Secondary Grade Teacher in the respective Panchayat Union Middle School in which the petitioner has already worked in the aforesaid school is not left vacant and shown in the list of Secondary Grade teachers vacancy, during the general transfer counseling, the regular teacher will be appointed for the above said Anganwadi Centre. Till such time, deputation order is passed. Hence, the averments made in the affidavit are incorrect and the same is liable to be rejected.

5. The learned counsel appearing for the petitioner has stated that the Writ Petition may be disposed, by recording the above statement of the respondent / Department.



6. Therefore, recording the statement in the counter affidavit filed by the first respondent as well as the statement of the learned Special Government Pleader, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

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

2. The Block Educational Officer,
Kulithalai Union,
Karur District.

+1 CC to M/s.T.PON RAMKUMAR, Advocate (SR-81608[F] dated 14/08/2019)

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14.08.2019

JM/28.08.2019/3P/4C