



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.08.2019**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) .No. 18037 of 2019

P. Anbazhagan

: Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Principal Secretary
to the Government,
School Education Department,
Secretariat,
Chennai - 9.
2. The Director of Elementary Education,
DPI Campus, Chennai - 600 006.
3. The Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sambath Maligai, DPI Compound,
Chennai - 600 006.
4. The Commissioner/Director,
Most Backward & De-notified Communities Welfare,
Chennai - 600 005.
5. The Joint Director,
Kallar Reclamation,
Madurai - 20.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a **Writ of Mandamus**, directing the first respondent to transfer the petitioner in the post of Secondary Grade Teacher in any of the Kallar Reclamation School in view of the TET Weightage Mark in the light of the Judgment of this Court in W.A.(MD) No.1708 to 1710 of 2018, dated 24.01.2019.

For Petitioner

: Mr.T. Aswin Rajasimman
for M/s. T. Lajapathi Roy



For Respondents-1,2,4 & 5 : Mrs. S. Srimathy,
Special Government Pleader

For Respondent-3 : Mr.V.R. Shanmuganathan
Standing Counsel

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ORDER

This Writ Petition has been filed seeking for a direction to the first respondent to transfer the petitioner for the post of Secondary Grade Teacher in any of the Kallar Reclamation School in view of the TET Weightage Mark in the light of the order of this Court, dated 24.01.2019 passed in W.A.(MD) No.1708 to 1710 of 2018.

2. Mrs.S. Srimathy, learned Special Government Pleader takes notice for the respondents-1,2, 4 & 5 and Mr.V.R. Shanmuganathan, learned Standing counsel takes notice for the third respondent. By consent of parties, the Writ Petition is taken up for disposal, at the stage of admission itself.

3. According to the petitioner, he has participated in the TET Examination in the year 2013 and secured 83 marks and his total Weightage Mark is 65.15. He belongs to Most Backward Class (Piramalai Kallar Community) and he has exercised the option of joining in the Kallar Reclamation School and further he is physically challenged person with 60% of Ortho disability and based on the same, he was called for certificate verification for the post of Secondary Grade Teacher at OCPM Girls Higher Secondary School on 20.01.2014. Subsequently, he was appointed as Secondary Grade Teacher in School Education Department on 26.09.2014 and hence, three similarly placed persons have approached this Court by way of filing writ petition in W.P.(MD) Nos.17164, 17292 and 17293 of 2014 seeking for a relief to appoint them as Secondary Grade Teachers in Kallar Reclamation Schools in Madurai District, based on their TET Marks and the same was allowed on 30.08.2017 and the above said order was confirmed by this Division Bench of this Court in W.A.(MD) No. 1708 to 1710 of 2018, dated 24.01.2019 by way of undertaking submitted by the candidates stating that they will not claim any seniority in the event of their transfer to Kallar Reclamation School. Therefore, the writ petitioner has submitted a representation, dated 13.07.2019 to the respondents, but so far no order has been passed till date. Hence, the instant writ petition is filed before this Court.

4. The learned counsel appearing for the petitioner relied upon the order, dated 30.08.2017 passed by this Court in W.P.(MD) Nos.17164, 17292 and 17293 of 2014. The operative portion of the aforesaid order is extracted hereunder:

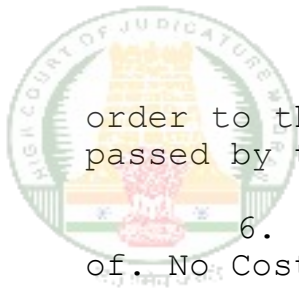


"6.1. When the notification dated 06.08.2014, was issued by the Teachers Recruitment Board, the respondents informed that as Per G.O.No.95, BC, MBC and MW (BC3) Department, dated 03.08.2012, the vacancies of Department of BC, MBC & Minorities Welfare, are being filled from the eligible candidates belonging to Hindu Piramalai Kallar Communities on preferential basis. Therefore, all those TET Paper-I qualified candidates, belonging to Hindu Piramalai Kallar Communities and willing to work in the above Department Schools were advised to come to the clarification centre with original community certificate to exercise their option. Accordingly, the petitioners have exercised their option to work in the schools, run by the Kallar Reclamation Department, which is supported by the postal receipt dated 04.09.2014. While so, it is not known, how the respondents took a stand that the petitioners have not exercised their option.

6.2. Secondly, as alleged by the petitioners, while accommodating the candidates who secured lesser marks in the schools run by the Kallar Reclamation Department and accommodating the petitioners herein in the Directorate of Elementary Education, who have not only secured higher marks, but also exercised their option as called for, is not at all acceptable. Moreover, the respondents could not take a stand that the petitioners herein failed to give their option to work in the Kallar Reclamation Schools, since they have exercised their option, which is very well supported with sufficient evidence, as I mentioned above.

7. Under these circumstances, this Court is inclined to allow these writ petitions and accordingly, these writ petitions are allowed. The respondents are directed to accommodate the petitioners in the schools run by Kallar Reclamation Department, as opted by the petitioners, forthwith. If no vacancy is available as of now, they shall be accommodated, as and when vacancies arise in future. No costs. Consequently, connected Miscellaneous Petitions are closed."

5. In the light of the order, dated 30.08.2017 passed in W.P.(MD) Nos.17164, 17292 and 17293 of 2014, this Court directs the first respondent to consider the representation of the petitioner, dated 15.07.2019 on merits and in accordance with law, as expeditiously as possible. Needless to say that the petitioner shall forward a copy of the representation along with a copy of this



order to the first respondent to enable him to apply with directions passed by this Court.

6. With the above directions, this Writ Petition is disposed of. No Costs.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To

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The State of Tamil Nadu,
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2. The Director of Elementary Education,
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5. The Joint Director,
Kallar Reclamation,
Madurai - 20.

+1 CC to M/s.SPL GP (SR-82804[F] dated 21/08/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-83129[F] dated 22/08/2019)

WP(MD).No. 18037 of 2019
20.08.2019

KSA
MS/19.09.2019/4P.8C