



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.08.2019
CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WEB COPY

W.P(MD)No.18107 of 2019 and
WMP(MD).No.14552 of 2019

R.Parvathy

... Petitioner

Vs.

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

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

3.N.S. Safna Afrin,
Secondary Grade Teacher,
Panchayat Union / Elementary School,
Inungur,
Kulithalai Union, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Na.Ka.No.5765/A2/2018, dated 11.01.2019 of the 1st respondent herein and quash the same and consequently, direct the respondents 1 an 2 herein to deploy the 3rd respondent herein in the Anganwadi Centre in the Panchayat Union Middle School, Sivayam, West, Ayyar Malai, Kulithalai Union, Karur District.

For Petitioner : Mr.T. Ponramkukmar
For R1 & R2 : Mrs. S. Srimathy
Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned order passed by the first respondent in Na.Ka.No.5765/A2/2018, dated 11.01.2019 and consequently, to direct the respondents 1 an 2 herein to deploy the 3rd respondent herein in the Anganwadi Centre in the Panchayat Union Middle School, Sivayam (West), Ayyar Malai, Kulithalai Union, Karur District.

2. According to the petitioner, she is working as Secondary Grade Teacher in the Panchayat Union Middle School, Thanneerpalli, Kulithalai Union, Karur District. The first

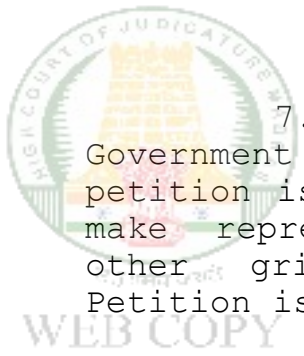


respondent passed the impugned order, deploying the petitioner on deputation and she was transferred to Anganwadi Centre situated at Panchayat Union Middle School, Sivayam (West), Ayyarmalai, Kulithalai Union, Karur District. According to her, respondents have not followed the ratio for fixing the surplus teacher as per the Government Order. She further stated that as per the norms, three teachers are required for Panchayat Union Middle School, Thanneerpalli, Kulithalai Union, Karur District, where the petitioner was working and there is no surplus teachers as on 01.06.2018. Therefore, the impugned order passed by the first respondent is illegal and the same is without any justification.

3. The respondent / Department has filed a detailed counter affidavit, wherein it is stated that 19 Anganwadi Centres in Kulithalai Union were chosen, teachers in Panchayat Union / Primary Schools were deputed to 15 Centres to conduct classes until further orders. In 4 centres, excess teachers were deployed with posts under the supervision of the Headmasters concerned as per proceedings in R.C.No.5765 / B2/ 2018, dated 11.01.2019 of the first respondent. The petitioner has taken charge in Anganwadi Centre at Panchayat Union Middle School, Sivayam (West), Kulithalai Union, Karur District. Further, it is stated in the counter that the petitioner is a Junior most in the school and as per the principle "last come first go", the junior most teachers were deployed to the needed schools. Therefore, the respondents have considered the Junior most surplus teachers in the school to conduct classes for LKG/UKG on pilot basis. Therefore, the impugned order passed by the first respondent is perfectly correct and there is no merit in the Writ Petition.

4. The learned Special Government Pleader appearing for the respondents further submitted that the petitioner's transfer by deputation is only temporary, to take care and ensure smooth functioning of the Anganwadi Centre in the premises of Panchayat Union Middle School, Sivayam, Kulithalai block and to handle LKG / UKG classes on pilot basis and she will be returned back to parent school, wherein she worked as Secondary Grade Teacher in the said Union. Further, it is also clarified that there is no change in the petitioner's seniority in the same block and the promotion benefit etc., The surplus seniority and the other benefits are maintained in the parent Panchayat Union Block and the deployed post is not shown as vacant in the General Transfer Counseling. Hence, the apprehension of the petitioner is not correct. The petitioner has not raised any other grounds except deployment of the Writ Petitioner. Therefore, the contentions of the petitioner are incorrect and the same is liable to be rejected.

6. The learned counsel appearing for the petitioner states that by recording the statement in the counter affidavit as well as the learned Special Government Pleader, the Writ Petition may be



7. Recording the submission made by the learned Special Government Pleader appearing for the respondents 1 and 2, this Writ petition is disposed of. However, it is open to the petitioner to make representation to the authority concerned, with regard to any other grievance. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

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

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

+1 CC to Mr.T.PON RAMKUAMR, Advocate (SR-84327[F] dated 29/08/2019)

+1 CC to SPL GP (SR-84478[F] dated 30/08/2019)

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29.08.2019

trp

MK (24.10.2019) 3P 5C