



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE **MS.JUSTICE V.M.VELUMANI**

W.P. (MD) No.24254 of 2018

and

W.M.P. (MD) Nos.21930, 21931 of 2018

Kanagarani

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Represented by its Principal Secretary to Government,
School Education Department, Secretariat,
Fort.St.George, Chennai.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai.
- 3.The Director of School Education,
DPI Campus, College Road,
Chennai.
- 4.The Chief Educational Officer,
Thirunelveli, Thirunelveli District.
- 5.The District Educational Officer,
Sankarankovil, Tirunelveli District.
- 6.The Block Educational Officer,
Vasudevanallur, Tirunelveli District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.No.2861/A3/2018, dated 05.12.2018 issued by the fifth respondent and the consequential proceedings issued by the sixth respondent in Na.Ka.No.481/A1/2018, -12.2018 signed on 05.12.2018 is illegal and quash the same.

For Petitioner : Mr.Kannan
for M/S.S.Manikandan

For Respondents : Mr.A.Thiyagarajan,
Government Advocate



ORDER

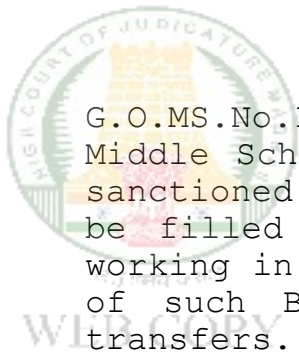
This Writ Petition has been filed to quash the impugned proceedings in Na.Ka.No.2861/A3/2018, dated 05.12.2018 issued by the fifth respondent and the consequential proceedings issued by the sixth respondent in Na.Ka.No.481/A1/2018, -12.2018 signed on 05.12.2018.

2.The petitioner was selected by the Teachers Recruitment Board and appointed as Secondary Grade Teacher on 03.08.1995 in Panchayat Union Primary School, Perumalpatti, Sankarankoil Union. Thereafter, she was promoted as Headmistress of Panchayat Union Primary School, Senthattiyapuram, Vasudevanallur Union, on 15.04.2008. Subsequently, she was promoted as B.T. Assistant (History), on 02.06.2009 and posted in the Panchayat Union Middle School, Vasudevanallur, Vasudevanallur Union.

3.While so, by G.O.Ms.No.165, School Education Department, dated 07.08.2018, Panchayat Union Middle School, Gudaloor, Vasudevanallur Union was upgraded as a High School. One Alisa, who was working as Headmistress in the Panchayat Union Middle School, Gudaloor, before such upgradation, was transferred and posted as Headmistress of Panchayat Union Middle School, Vasudevanallur. On such transfer, one Lakshmi, who was working as Headmistress of Panchayat Union Middle School, Vasudevanallur, was reverted as B.T. Assistant in the same School and the petitioner was reverted and posted as Primary School Headmistress in Panchayat Union Primary School, Gudaloor. Challenging the order of reversion, the petitioner has come out with the present Writ Petition.

4.According to the learned counsel for the petitioner, the petitioner is not a junior most B.T. Assistant and the said reversion order has been passed without giving any notice as well as opportunity to the petitioner and therefore, the reversion order is illegal. The petitioner made a request to post her as B.T. Assistant in a upgraded High School i.e., Panchayat Union School, Gudaloor. The respondents without any reason, failed to consider the request of the petitioner and therefore, the learned counsel prayed for allowing the Writ Petition.

5.The respondents filed counter affidavit. Mr.A.Thiyagarajan, learned Government Advocate submitted that the petitioner is the junior most B.T. Assistant in the Union. She has not given any details with regard to the names of B.T. Assistant (History), who are the juniors to her. As per G.O.Ms.No.165, School Education Department, dated 07.08.2018, the Panchayat Union Middle School, Gudaloor was upgraded as High School and the Headmistress of the above said School, namely, Alisa was transferred and posted as Headmistress of Panchayat Union Middle School, Vasudevanallur. The



G.O.MS.No.165, School Education Department, dated 07.08.2018, 95 Middle Schools were upgraded as High Schools and each Schools were sanctioned 5 B.T. Assistants. The said post of B.T. Assistants can be filled up by absorbing the B.T. Assistants, who were already working in the middle School and if any vacancy, after the absorbing of such B.T. Assistant, the said vacancy can be filled up by transfers. The learned Government Advocate further contended that the petitioner is not entitled to be posted as B.T. Assistant in High School and she is not covered by the Tamil Nadu School Educational Subordinate Service Rules and she is working as B.T. Assistant under Tamil Nadu Elementary Educational Subordinate Service Rules, hence, he prayed for dismissal of this Writ Petition.

6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.From the records, it is seen that the Panchayat Union Middle School, Gudaloor, Vasudevanallur Union was upgraded as High School and the Headmistress of the said Middle School, one Alisa, was transferred and posted as Headmistress of Panchayat Union Middle School, Vasudevanallur. The petitioner was transferred and posted as Headmistress in Panchayat Union Primary School, Gudaloor. From the Counter affidavit filed by the respondents, it is seen that 95 Schools were upgraded as High Schools by G.O.Ms.No.165, School Education Department, dated 07.08.2018. According to the averments in the counter affidavit, by the above said G.O., five posts of B.T. Assistants were sanctioned, for each upgraded High School, which are to be filled up by absorbing B.T. Assistants, who were already working in the said Middle School and if any vacancy, it can be filled up by transfers. In the counter affidavit, the respondents have given names of three B.T. Assistants, who were working in Panchayat Middle School, Gudaloor. The respondents have not furnished any particulars about the remaining two posts of B.T. Assistants, sanctioned to the upgraded High School.

8.The contention of the learned Government Advocate that the petitioner is not entitled to be appointed as B.T. Assistant in High School is contrary to the materials on record. The respondents have absorbed three B.T. Assistants, who were already working in the Middle School as B.T. Assistants, in upgraded High School. When such is the case, there is no reason as to why the petitioner should not be transferred and posted as B.T. Assistant in upgraded High School.

9.In view of the above, the impugned order in Na.Ka. No.2861/A3/2018, dated 05.12.2018 issued by the fifth respondent and the consequential proceedings issued by the sixth respondent in Na.Ka.No.481/A1/2018, -12.2018, signed on 05.12.2018, are set aside and the respondents are directed to post the petitioner as B.T. Assistant in a upgraded Panchayat Union School, Gudaloor or any



four weeks from the date of receipt of a copy of this order.

10. In the result, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

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Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Principal Secretary to Government,
School Education Department, Secretariat,
Fort.St.George, Chennai.

2. The Director of School Education,
DPI Campus, College Road, Chennai.

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6. The Block Educational Officer,
Vasudevanallur, Tirunelveli District.

+1 CC to M/s.S.MANIKANDAN, Advocate (SR-98359[F] dated 14/11/2019)

+1 CC to M/s.GP (SR-98397[F] dated 14/11/2019)

W.P. (MD) No.24254 of 2018
13.11.2019

JMN(16.12.2019) 4P : 9C