



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) Nos.22493 and 20747 of 2019

and

W.M.P. (MD)Nos.19278 and 17369 to 17371 of 2019

Padmanaban ... Petitioner in W.P.(MD)No.22493 of 2019
S.Pugalzhenthi ... Petitioner in W.P.(MD)No.20747 of 2019

-Vs-

- 1.The Chief Educational Officer,
Theni District, Theni.
- 2.The District Educational Officer,
Theni District.
- 3.The Block Educational Officer,
Mayiladumparai Block,
Theni District. ... Respondents 1 to 3
in both Writ Petitions.
- 4.S.Pugalzhenthi ... 4th Respondent
in W.P.(MD)No.22493 of 2019
- 4.S.Saraswathi,
The Block Educational Officer,
Mayiladumparai Block,
Theni District. ... 4th Respondent
in W.P.(MD)No.20747 of 2019

PRAYER in W.P.(MD)No.22493 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to include the vacant post of Headmaster, Anna Nagar, Panchayat Union Elementary School, Mayiladumparai in the forthcoming counselling for transfer in the cadre of Headmaster, based on the proceedings of the third respondent made in Na.Ka.No.558/A1/2018, dated 17.09.2019.

PRAYER in W.P.(MD)No.20747 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, calling for the records relating to the



impugned order of the third respondent in Na.Ka.No.558/A1/2018, dated 17.09.2019, quash the same and consequently forbearing the respondents 1 to 3 herein from in any manner interfering with the petitioner's discharge of duties as Headmaster in Anna Nagar Panchayat Union Elementary School, Mayiladumparai, Theni District.

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For Petitioner : Mr.C.Ramesh
(in W.P.(MD)No.22493 of 2019)

For Petitioner : Mr.K.Appadurai
(in W.P.(MD)No.20747 of 2019)

For R1 to R3 : Mr.M.Karuppasamy,
Government Advocate.
(in both Writ Petitions)

For R4 : Mr.K.Appadurai
(in W.P.(MD)No.22493 of 2019)

COMMON ORDER

The issues involved in both Writ Petitions are interlinked and therefore, they are disposed of by this common order.

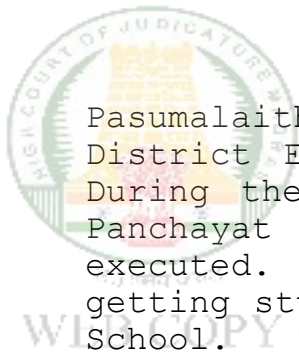
2.The parties are referred to as per their rank in W.P.(MD) No.22493 of 2019.

3.W.P.(MD)No.22493 of 2019 is filed to direct the respondents 1 to 3 to include the vacant post of Headmaster in Panchayat Union Elementary School, Anna Nagar, Mayiladumparai Block in the forthcoming counselling for transfer in the cadre of Headmaster, based on the proceedings of the third respondent made in Na.Ka.No.558/A1/2018, dated 17.09.2019.

4.W.P.(MD)No.20747 of 2019 is filed to quash the order of the third respondent, dated 17.09.2019 and further direction is sought for to forbear the respondents 1 to 3 herein from in any manner interfering with the petitioner's discharge of duties as Headmaster in Panchayat Union Elementary School, Anna Nagar, Mayiladumparai Block, Theni District.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent and perused the materials available on record carefully.

6.The fourth respondent was working as Headmaster at Dheivendrapuram Panchayat Union Elementary School, Myladumparai Block from 05.11.2007. On complaint from the parents of the School, he was transferred to Panchayat Union Elementary School,



Pasumalaitheri, Myladumparai Block, by the proceedings of the District Elementary Educational Officer, Theni, dated 12.03.2018. During the academic year 2019-2020, admission of students in the Panchayat Union Elementary School, Pasumalaitheri, is to be executed. The fourth respondent did not take any efforts for getting students admitted in the School. No students joined in the School. The students, who studied 5th standard, have joined 6th standard in other Schools. The third respondent, after inspection, has deputed the fourth respondent on ad-hoc basis to the Panchayat Union Elementary School, Anna Nagar, Myladumparai Block on 01.07.2019. The villagers of the Pasumalaitheri gave representation to the respondents 1 to 3 not to close the Panchayat Union Elementary School, Pasumalaitheri and reopen the School. As per their efforts, four students were admitted in the School and the fourth respondent was posted as Headmaster in the said School. The fourth respondent has filed W.P.(MD)No.15432 of 2019, forbearing the respondents herein from in any manner interfering with the petitioner's employment as Headmaster in Panchayat Union Elementary School, Anna Nagar, Myladumparai Block, Theni District and directing the respondents to issue necessary proceedings for deployment of the petitioner from 01.07.2019 in the present station in Panchayat Union Elementary School, Anna Nagar, Mayiladumparai Block, without any further delay. This Court, by the order dated 16.07.2019, recording the submission of the third respondent that he has passed an order, deputing the fourth respondent herein as Headmaster in Panchayat Union Elementary School, Pasumalaitheri, and the same was approved by the second respondent, dismissed the Writ Petition as infructuous.

7.While so, the petitioner, who was working as Headmaster in Panchayat Union Elementary School, Vaikalparai, Myladumparai Block, has expressed his willingness to participate in the general transfer counselling to be held on 12.07.2019. The third respondent has published the list of vacant post, which includes Panchayat Union Elementary School, Anna Nagar. Due to various Writ Petitions filed, challenging the Government Order in G.O.Ms.No.218, School Education Department, dated 20.06.2019, counselling was not conducted. After the order passed by this Court, now, the respondents 1 to 3 are conducting counselling. Therefore, the petitioner has come forward with the present Writ Petition, seeking aforesaid prayer.

8.According to the petitioner, the fourth respondent was posted as Headmaster in the Panchayat Union Elementary School, Anna Nagar only on deputation basis and therefore, that post must be shown as vacant. The third respondent has appeared before this Court on 18.11.2019 and 19.11.2019 and instructed the learned Government Advocate that the fourth respondent is not working in any of the School from 18.10.2019.

9.The learned counsel appearing for the fourth respondent
<https://hcmis.court.gov.in/services/> the fourth respondent joined in Panchayat Union



Elementary School, Pasumalaitheri and the third respondent did not permit him to join as Headmaster, therefore, he applied for medical leave and he is on medical leave.

10.From the above materials, it is seen that the Panchayat Union Elementary School at Pasumalaitheri was closed for the academic year 2019-2020, as no students joined in the said School. In view of the same, the fourth respondent was deputed on ad-hoc basis to work as Headmaster in Panchayat Union Elementary School, Anna Nagar. The Villagers of the Pasumalaitheri, in order to have the School at their village, had taken effort and able to get four students to join school. They have requested the third respondent to reopen the School. Accepting the request of the villagers, the School was reopened and the deputation order of the fourth respondent, dated 01.07.2019, was cancelled by the third respondent, by his order dated 17.09.2019, which is impugned in W.P.(MD)No.20747 of 2019 and posted the fourth respondent as Headmaster in Panchayat Union Elementary School, Pasumalaitheri. The said order of the cancellation of the deputation and posting the fourth respondent as Headmaster in Panchayat Union Elementary School, Pasumalaitheri is in order and valid. There is no infirmity in the said order.

11.Considering the above materials in its entirety, W.P.(MD) No.20747 of 2019 filed by the fourth respondent is dismissed and W.P.(MD)No.22493 of 2019 is allowed. The respondents 1 to 3 are directed to include the vacant post of Headmaster in the Panchayat Union Elementary School, Anna Nagar, Myladumparai Block in the forthcoming counselling for transfer in the cadre of Headmaster and permit the petitioner to participate in the general transfer counselling to be held today (19.11.2019), consider his request and post him as Headmaster in that School, if he is otherwise eligible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Myr

TO

- 1.The Chief Educational Officer,
Theni District, Theni.
- 2.The District Educational Officer,
Theni District.



3.The Block Educational Officer,
Mayiladumparai Block,
Theni District.

+1 CC to M/s.K.APPADURAI, Advocate (SR-99326[F] dated 19/11/2019)

+1 CC to M/s.C. RAMESH, Advocate (SR-99288[F] dated 19/11/2019)

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JMN(20.11.2019) 5P : 6C