



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.26680 of 2005
and WPMP.No.29106 of 2005

P.Mani

...Petitioner

Vs

1. The Director of Elementary Education
Chennai-600 006
2. The District Elementary Educational Officer
Salem
3. The Assistant Elementary Educational Officer
Salem Rural
Salem

4. R.Rajagopal ...Respondents

Prayer: Writ Petition filed praying to issue a writ of Certiorarified Mandamus calling for the records relating to (1) Pro.Na.Ka.No.2887/A2/2005 dated 03.08.2005 of the second respondent and (2) Pro.Na.Ka.No.1435/Ka/2005 dated 08.08.2005 of the third respondent, quash the same and issue directions to respondents 1 to 3 to allow the petitioner to continue as Middle School Headmaster in the same post and station.

For Petitioner	: Mr.R.Kumaravel for Mr.M.Ravi.
For Respondents	: Mr.P.Raja, Govt.Advocate for R1 to R4.

ORDER

The petitioner joined service on 17.12.1973 as Secondary Grade Teacher and was promoted as B.T.Assistant on 03.10.1994. Subsequently, he was promoted as Middle School Headmaster with effect from 13.06.2003. While so, the 2nd respondent vide order dated 03.08.2005 and third respondent by order dated 08.08.2005, reverted the post of the petitioner as B.T.Assistant. The reason stated for such reversion of the petitioner is that the 4th respondent. who was serving as Additional Assistant Elementary Educational Officer, Puduchattiram, Namakkal District, made his request to the 1st respondent to transfer and post him in any one of Middle Schools in Salem District due to his family



circumstances. In order to accommodate the 4th respondent, the petitioner was reverted as Graduate Teacher. Therefore, challenging the said orders, the petitioner has filed the present writ petition.

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2. The learned Government Advocate submitted that the petitioner was junior most in the cadre in which he worked at the relevant point of time, therefore, for want of vacancy, the junior most officer viz., the petitioner was reverted as Graduate Teacher and there is no arbitrariness or illegality in the impugned orders passed.

3. The learned counsel for the petitioner would submit that only in order to accommodate the 4th respondent, the petitioner was reverted to Graduate Teacher and the same is arbitrary.

4. Admittedly, the petitioner was promoted as Middle School Head Master with effect from 13.06.2003 and during his service as Middle School Head Master, he was revered as Graduate Teacher. At the same time, the 4th respondent was serving as Additional Assistant Elementary Educational Officer, Puduchattiram, Namakkal District and based on his request made before the 1st respondent, he was transferred as Middle School Headmaster in Salem District, due to his family circumstances. As such, for want of vacancy, since the petitioner was junior most in the said cadre, he was reverted as Graduate Teacher. The petitioner has not proved any arbitrariness or illegality in the impugned orders. The posting was solely due to want of vacancy. Therefore, under these circumstances, there is no merit in the writ petition and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Director of Elementary Education
Chennai-600 006
2. The District Elementary Educational Officer
Salem
3. The Assistant Elementary Educational Officer
Salem Rural
Salem



+1cc to the Government Pleader, S.R.No.40412

W.P.No.26680 of 2005

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gmr(CO)
rv(29/01/2021)