



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2020

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THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.A. (MD)No.391 of 2018
and
C.M.P. (MD)Nos.2411 and 4302 of 2018
(Through Video Conferencing)
Against W.P. (MD)No.12888 of 2017

P.Thenmozhi

... Appellant / Writ Petitioner

-Vs-

- 1.The State of Tamil Nadu
Rep. By its Secretary
School Education Department
Secretariat, Chennai - 9.
- 2.The Director of Elementary Education
DPI Compound
College Road, Chennai - 6.
- 3.The Chief Educational Officer
O/o. The Chief Educational Office
Collectorate Campus
Thandhonomalai, Karur
Karur District.
- 4.The District Elementary Educational Officer
O/o. District Elementary Educational Office
Collectorate Campus
Thandhonomalai, Karur
Karur District.
- 5.The Additional Assistant Elementary
Educational Officer
O/o.Assistant Elementary Educational Office
Aravakurichi Union
Karur District.

6.T.Elango

... Respondents / Respondents



Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 07.08.2017 passed in W.P.(MD)No.12888 of 2017.

Prayer in WP(MD). 12888/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 4th respondent in his proceedings Na.Ka.No.1180/A4/2017 dated 27.08.2017 (served to the petitioner only on 29.06.2017) and quash the same as illegal.

For Appellant : Mr.H.Md.Imran for
Mr.B.Anandan

For Respondents: Mrs.S.Srimathy,
Spl. Govt. Pleader for R1 to R5

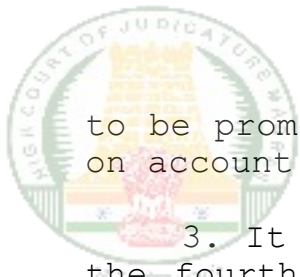
Mr.S.Ramesh for R6

JUDGMENT

Judgment of the Court was delivered by M.SATHYANARAYANAN, J.,

The appellant is the writ petitioner and she was initially appointed as Secondary Grade Teacher on 28.07.1997 at Aravakurichi Union, Karur District and thereafter, was transferred and posted to Andanallur Union, Trichy District on 14.07.1998 and got subsequent transfer to Aravakurichi Union on 04.09.2006. The appellant/writ petitioner was given promotion as Headmistress of Elementary School on 22.07.2013 and while she was working in that capacity, the fourth respondent, vide proceedings dated 24.02.2014 reverted her to the post of Secondary Grade Teacher, due to administrative reasons and she got subsequent promotion as Elementary School Headmistress on 19.08.2015 at Modakkur Panchayat Union Primary School.

2. The appellant/writ petitioner would further aver that while she was given promotion as Elementary School Headmistress on 19.08.2015, the fourth respondent, vide proceedings dated 27.06.2017, has issued a show cause notice calling for her explanation as to why she should not be reverted, so as to make the 6th respondent viz., T.Elango to join in her place as Headmaster. The impugned notice came to be issued in the light of the compliance of the order dated 06.04.2011, made in W.P.(MD)No.13931 of 2009, filed by 6th respondent viz., Mr.Elango as writ petitioner. It is a specific case of the appellant/writ petitioner that the said order would not come in any way for promotion for the reason that she came



to be promoted as early as on 19.08.2015 and her right is conferred on account of her promotion and she is also discharged her duties.

3. It is the further case of the appellant/writ petitioner that the fourth respondent did not consider the facts and circumstances of the case properly as well as the relevant guidelines and therefore, made a challenge to the impugned proceedings of the fourth respondent dated 27.06.2017, which was served on the petitioner on 29.06.2017. The said writ petition was taken up for disposal on 07.08.2017 and the learned Judge, having taken note of the fact that appellant/writ petitioner was appointed as Secondary Grade Teacher only in the year 1997, whereas, the 6th respondent viz., Mr.T.Elango, got registered his name in the Employment Exchange prior to the appellant/writ petitioner and has been denied appointment and in the light of partial allowing of W.P.No.13931 of 2009 filed by the 6th respondent, his service came to be regularised with effect from 03.01.2002, found that there are no merits in the case projected by the appellant/writ petitioner and accordingly, dismissed the writ petition vide impugned order dated 07.08.2017 and aggrieved by the said order, the present writ appeal is filed.

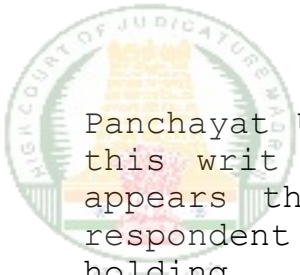
4. The learned counsel appearing for the appellant/writ petitioner would submit that now the 6th respondent has been accommodated and is working as a Headmaster of Panchayat Union Primary School at Vellaiyampatti, Aravakurichi and the petitioner continues to work as Headmistress at Modakkur Panchayat Union Primary School, nothing remains for further adjudication in this writ appeal.

5. Mr.S.Ramesh, learned counsel appearing for the 6th respondent would submit that in compliance of the order dated 06.04.2011, made in W.P.(MD)No.13931 of 2009, seniority list has also been prepared on 01.01.2019 and thereafter, implementation order also came to be passed on 05.07.2019 and the said fact has to be taken note of by this Court while giving a disposal of this writ appeal.

6. In response to the said submission, the learned counsel appearing for the appellant/writ petitioner would submit that the petitioner is satisfied with the present scheme of arrangement and as such, she may not be interested in challenging the seniority of the sixth respondent, of course, that may be subject to other legal advice which may be given to her at a future point of time.

7. This Court has considered the rival submissions and also perused the records placed on record.

8. In the light of the fact that sixth respondent has been given accommodation as Headmaster at Panchayat Union Primary School, Vellaiyampatti, Aravakurichi and that the petitioner also continues to discharge her duties as Headmistress at Modakkur



Panchayat Union Primary School, no further orders are necessary in this writ appeal in the light of the said development. It also appears that the appellant/writ petitioner as well as the sixth respondent appear to be satisfied with the present position they are holding.

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9. In the result, this writ appeal is dismissed, confirming the order dated 07.08.2017 made in W.P.(MD)No.12888 of 2017, subject to above observations. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary,
State of Tamil Nadu
School Education Department
Secretariat, Chennai - 9.
- 2.The Director of Elementary Education
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- 3.The Chief Educational Officer
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5.The Additional Assistant Elementary
Educational Officer
O/o.Assistant Elementary Educational Office
Aravakurichi Union
Karur District.

+1 CC to M/s.Special Government Pleader (SR-14016[F] dated
13/08/2020)

W.A. (MD) No.391 of 2018 and
C.M.P. (MD) Nos.2411 and 4302 of 2018
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vsm
SDS (24.08.2020) 5P-7C