



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.10512 of 2021

and

W.M.P (MD)No.8190 of 2021

WEB COPY

P.Sugirtha

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
O/o.Director of School Education,
Chennai.
- 3.The Commissioner,
O/o.The Director of School Education Department,
DPI Campus,
Chennai.
- 4.The Chief Educational Officer,
O/o.Chief Educational Office,
Trichy District.
- 5.The District Educational Officer,
O/o.The District Educational Office,
Musiri,
Trichy District.
- 6.The District Educational Officer,
O/o.the District Educational Office,
Lalgudi,
Trichy District.
- 7.The Block Educational Officer,
O/o.Block Educational Office,
Thottiyam,
Trichy District.
- 8.The Block Educational officer,
O/o.Block Education office,
Thuraiyur,
Trichy District.

... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to post the petitioner in the available vacancy at Thuraiyur Union, Trichy District in conformity with the conditions stipulated in the order of deployment passed by the 5th respondent in his proceedings in ந.க.எண்.2878/அ3/2016 dated 13.08.2016 within the period that may be stipulated by this Court.

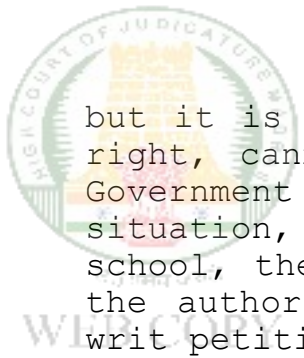
For Petitioner : Mr.B.Anandan
For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

The petitioner has filed the present writ petition for a direction to the respondents to post her in the available vacancy at Thuraiyur Union, Trichy District in conformity with the conditions stipulated in the order of deployment passed by the 5th respondent in his proceedings in ந.க.எண்.2878/அ3/2016 dated 13.08.2016, within the period that may be stipulated by this Court.

2. According to the petitioner, she was initially appointed as Secondary Grade Teacher on 21.12.2012 at Panchayat Union Primary School, Koothathur, Jamanamarathoor, Thiruvannamalai District and transferred to Panchayat Union Middle School, Kiliyanoorpatti, Thuraiyur Block, Trichy District on 02.08.2014. While so, the fifth respondent by proceedings, dated 13.08.2016 passed an order of deployment on account of administrative reasons deploying the petitioner as Secondary Grade Teacher, Panchayat Union Primary School, Kattupudhur, Thottiam Union, Trichy District with a specific condition that her seniority will be retained in her original place i.e., at Thuraiyur Union and the preference will also be given to post the petitioner in the original Union whenever the vacancy arises. Subsequently, the petitioner was deployed at Panchayat Union Primary School, Kattupudhur West, Thottiam Taluk, Trichy District, on 13.08.2016. According to the petitioner, now there are vacancies in Thuraiyur Union, but she is not given any posting order in adherence to the conditions appended with the petitioner's deployment order. Hence, she has sent representation on 07.10.2020, requesting the respondents to consider her for reposting in Thuraiyur Union. Though there are vacancies available in Thuraiyur Union, the petitioner is not posted in the said Union. Hence, the petitioner has come out with the present writ petition.

3. The sixth respondent filed counter affidavit. The learned Government Advocate appearing for the respondents submitted that the petitioner was deployed on 13.08.2016 to Panchayat Union Primary School, Kattupudhur, Thottiam Union, Trichy District, as number of teachers were found surplus in Thuraiyur Union. The transfer of Government servants or Teachers is not only an incident of service,



but it is a condition of service. The petitioner, as a matter of right, cannot claim transfer to a particular place. The learned Government Advocate further submitted that due to pandemic situation, schools are closed and only after functioning of the school, the decision will be taken and the petitioner cannot compel the authorities to take decision and prayed for dismissal of the writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. From the above rival submissions and the deployment order, dated 13.08.2016, it is seen that the petitioner was deployed on condition that she will be retained in her original place ie., at Thuraiyur Union and if any vacancy will arise in Thuraiyur Union, preference will be given to her in the original place ie., at Thuraiyur Union. According to the petitioner, there are three vacancies in Thuraiyur Union. On the other hand, the case of the respondent is that only after the school starts functioning, the exact position will be ascertained and decision will be taken. Considering the above fact, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner dated 07.10.2020, in the light of the condition envisaged in the deployment order, dated 13.08.2016, and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Principal Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of School Education,
Chennai.

3.The Commissioner,
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O/o.Block Education office,
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Trichy District.

+1 CC to M/s.B. ANANDAN, Advocate (SR-23627[F] dated 23/07/2021)

+1 CC to M/s.GP (SR-23719[F] dated 23/07/2021)

W.P. (MD)No.10512 of 2021

22.07.2021

RD(30.07.2021) 4P 11C