



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.19934 of 2021

D.Feliciya

...Petitioner

Vs.

- 1.The Secretary,
State Government of Tamil Nadu,
Department of School Education,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Director of Elementary Education,
Directorate of Elementary Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
O/o the Chief Educational Officer,
Trichy,
Trichy District.
- 4.The District Educational Officer,
O/o the District Educational Officer,
Lalgudi Educational District,
Lalgudi,
Trichy District.
- 5.The Block Educational Officer,
O/o the Block Educational Officer,
Lalgudi,
Trichy District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent No.3 to take back the petitioner as the Secondary Grade Teacher in Lalgudi Block, Trichy District by considering the petitioner's representation dated 29.09.2020 and 09.10.2021, within the time stipulated by this Court.

For Petitioner

:Mr.S.Louis

For Respondents

:Mr.V.Nirmal Kumar
Government Advocate

**O R D E R**

This writ petition is filed for a Mandamus, directing the third respondent/the Chief Educational Officer, Trichy to take back the petitioner as the Secondary Grade Teacher in Lalgudi Block, Trichy District, by considering her representation dated 29.09.2020 and 09.10.2021.

2.The learned counsel appearing for the petitioner submits that the petitioner was initially appointed as Secondary Grade Teacher on 14.10.1996 in the Panchayat Union Primary School, Kumaramangalam in Sembanarkoil Union, Nagapattinam District in the year 1996. Thereafter, she was transferred to various other Schools and finally she was transferred to Panchayat Union Middle School, Lalgudi in Lalgudi Union in Trichy District. While so, considering the students strength in the year 2019, by order of deployment passed by the Chief Educational Officer, Trichy, in Na.Ka.No.9588/A2/2018, dated 30.08.2019, the petitioner was transferred from Panchayat Union Middle School, Lalgudi to Panchayat Union Primary School, Thenur in Marungapuri Union, Trichy District. In the said deployment order, in condition number 6, it was clearly mentioned that the seniority of the deployed teachers would be maintained in the same order and in the existing union itself and depending upon the students strength, the deployed surplus teachers would be redeployed back to the parent union. The case of the petitioner is that now the students strength in Panchayat Union Primary School, Lalgudi is increased and there is requirement of further teachers. Therefore, in all fairness, the petitioner must be redeployed to Panchayat Union Primary School, Lalgudi. The learned counsel for the petitioner further submits that the petitioner's husband is paralytic patient and the petitioner has to take care of her husband. Hence, the learned counsel prays to direct the third respondent to take back the petitioner as the Secondary Grade Teacher in Lalgudi Block, Trichy District.

3.Mr.V.Nirmal Kumar, learned Government Advocate appearing for the respondents, by referring the counter affidavit, submits that from the Panchayat Union Middle School, Lalgudi in Lalgudi Union in Trichy District, more than 32 teachers have been deployed to various Schools and this petitioner is in the rank of 24. He further submits that when vacancy arises in the Lalgudi Union, the deployed teachers will be taken back, according to their date of deployment. Since the petitioner is in the rank of 24, her case will be considered, when her turn comes. Hence, there is no merit in the prayer sought for by the petitioner and the writ petition is liable to be dismissed.

4. This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.



5. Admittedly, the petitioner was deployed in the year 2019, considering the students strength at the relevant point of time. The petitioner now claims that the students strength in the Panchayat Union Middle School, Lalgudi is increased and therefore, as per condition number 6 of the deployment order passed by the third respondent, the petitioner has to be redeployed in Panchayat Union Middle School, Lalgudi in Lalgudi Union in Trichy District. The contention of the petitioner that the students strength in the Panchayat Union Middle School, Lalgudi has been increased has not been specifically denied by the respondents. However, they are taking a stand that from Lalgudi Union, totally 32 teachers have already been deployed and based on seniority list maintained by them, they will be considered to be taken back to the parent union. It is to be noted that in the deployment order passed by the third respondent, there is a specific condition that the seniority of the deployed teachers would be maintained in the same order and in the existing union itself and depending upon the students strength, the deployed surplus teachers would be redeployed back to the parent union. It is an admitted fact that the students strength in Panchayat Union Middle School, Lalgudi has been increased. Hence, the respondents are duty bound to consider the case of the petitioner, as per condition 6 of the deployment order passed by the third respondent in Na.Ka.No.9588/A2/2018, dated 30.08.2019. It is submitted by the learned counsel for the petitioner that the petitioner's husband is a paralytic patient and the petitioner has to take care of her husband. It is seen that in order to substantiate the same, she has also produced the relevant medical records of her husband.

6. In view of the foregoing reasons, this Writ Petition is allowed, with a direction to the respondents to consider the case of the petitioner, to accommodate the petitioner in Panchayat Union Middle School, Lalgudi, by way of redeployment, depending upon the students strength. The respondents shall take a decision within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD I)

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/ /2021

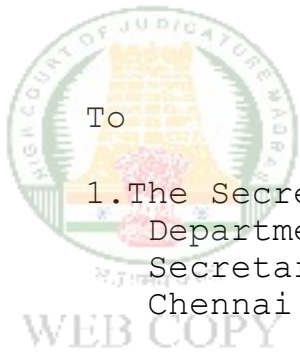
Sub Assistant Registrar(CS)

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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

<https://hcservicesapp.in/hcservices/>



To

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Trichy District.

+1 CC to M/s.S.LOUIS, Advocate (SR-39322[F] dated 17/12/2021)

+1 CC to M/s.SPL GP (SR-39053[F] dated 16/12/2021)

W.P(MD) No.19934 of 2021
15.12.2021

MGJ(30.12.2021) 4P 8C