



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)Nos.20732 to 20735 of 2021

and

W.M.P(MD)Nos.17339 to 17341 of 2021

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C.Arockiaraj ... Petitioner in W.P(MD)No.20732 of 2021
C.Ranjani ... Petitioner in W.P(MD)No.20733 of 2021
S.Shanthi ... Petitioner in W.P(MD)No.20734 of 2021
R.Asokini ... Petitioner in W.P(MD)No.20735 of 2021

Vs

- 1.The Director of Elementary Education,
Office of the Director of Elementary Education,
DPI Campus, Chennai - 6.
 - 2.The Joint Director of Elementary Education,
Office of the Joint Director of Elementary Education,
DPI Campus, Chennai - 6.
 - 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Trichy, Trichy District.
 - 4.The District Educational Officer,
Office of the District Educational Officer,
Lalgudi, Trichy District.
 - 5.The Block Educational Officer,
Office of the Block Educational Officer,
Mannachanallur, Trichy District.
- ... Respondents in all the petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.No.815/A1/2021, dated 01.11.2021 on the file of the respondent No.5, and quash the same as illegal insofar as the petitioners are concerned.

For Petitioner : Mr.T.Lajapathi Roy,

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by Mr.P.T.Thiraviam
Government Advocate in all writ petitions



COMMON ORDER

These writ petitions are filed as against the deployment transfer of these petitioners from the various districts to the Government Model Girls Higher Secondary School, Mannachanallur.

2.The learned Counsel for the petitioners submits that the petitioners were working as Secondary Grade Teachers in various districts and by the orders impugned in these writ petitions, the petitioners were deployed and transferred to the Government Model Girls Higher Secondary School, Mannachanallur. The grievance of the petitioners is that because of the transfer, their seniority in the Panchayat Union School would be affected and promotion opportunity would also be affected.

3.The learned Additional Advocate General appearing for the respondents submits that the Government has taken a policy decision of establishing Model Schools in respect of standards 1 to 5 across the State. One such school is the Government Model Girls Higher Secondary School, Mannachanallur. The services of the petitioners are required for the Model School for taking classes from standard 1 to 5. Therefore, the petitioners were posted by way of deployment transfer to the said school. The learned Additional Advocate General relying on paragraph Nos.12 and 14 of the counter affidavit further submits that the seniority of the petitioners would not be affected in anyway.

4.The learned Additional Advocate General further submits that in case there is increase in the students strength for the particular panchayat union school, then petitioners would be considered for deployment again to the particular school. Further whenever, general transfer counselling is held, these petitioners will be included in the counselling as per their eligibility. The learned Additional Advocate General also submits that totally eight persons were transferred, of which, four persons joined in the said school and four others have filed the writ petition.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.The petitioners were transferred to the Government Model Girls Higher Secondary School, Mannachanallur by way of deployment. The grievances of the petitioners are that they are the senior most teachers in the union and since they were deployment, their seniority and promotion would be affected.

7.The respondents have filed counter affidavit and the relevant portions read as follows:

<https://hservices.courts.gov.in/hcbservices/>



"12.It is submitted that there is no change in implementing G.O.(1D)NO.217, School Education Department, dated 20.06.2019 in maintaining the Union as a separate Unit and seniority of teachers are never going to be affected. Only surplus teachers in the school are brought to the common pool and they are alone considered for deployment counselling.

14.It is submitted that some of the teachers filed W.P(MD)No.19520 of 2019, etc., batch of cases and this Court dismissed the writ petitions by order dated 25.11.2019 after formulating the following guidelines:

(i) When a teacher is deployed as surplus from one union to a needy place in another union, his / her seniority in parent union must be maintained unless the teacher opts for being absorbed in the transferred union.

(ii) When a vacancy or need arises in the parent union, the teachers deployed from the said union must be given priority and must be re-deployed to their parent union.

(iii) When the promotional avenue arises in the Union, a seniority list must be prepared and all the teachers deployed to the other union must be given an opportunity to put forth their objections if any, to such seniority list.

(iv)After finalising the seniority list of the Union, a panel for promotion is to be prepared, which must include the names of the teachers, who were deployed to other W.P(MD)No.19520 of 2019, etc., batch union, if they are eligible and they must be promoted and posted in the parent union as much as possible depending upon the vacancy in the parent union.

(v)The criteria of three years of service in a particular station to participate in the General Counselling for transfer insofar as teachers deployed shall include the services rendered by them in a school prior to deployment and both the period of service in the school before deployment and the period of service after deployment, must be taken into consideration in the general counselling for transfer."

8.In view of the stand taken by the respondents that the seniority of the petitioner would not be affected pursuant to the order of deployment and they have been deployed only to the model school, these writ petitions are disposed of by recording the undertaking of the respondents that the petitioners seniority would not be affected, they would be considered to their original



Panchayat School, when students strength increases and they would be considered for general counselling as per their eligibility. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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

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DPI Campus, Chennai - 6.
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Lalgudi, Trichy District.
- 5.The Block Educational Officer,
Office of the Block Educational Officer,
Mannachanallur, Trichy District.

+4 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-39008[F] dated 16/12/2021)

+1 CC to M/s.SPL GP (SR-39265[F] dated 17/12/2021)

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