



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON:	01.03.2021
DELIVERED ON:	30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)Nos.18104 & 18879 of 2018

and W.M.P. (MD) Nos.16005, 16006, 16713 & 16714 of 2018 and 13961 & 1342 of 2019

(Through Video Conference)

K.Varatharaj,
Block Resource Teacher Educator,
Block Resource Center,
Thanthonimalai, Karur District.

... Petitioner in W.P.(MD)
No.18104 of 2018

R.Rethnapriya
Block Resource Teacher Educator,
Block Resource Center,
Thirupathur, Sivagangai District.

... Petitioner in W.P.(MD)
No.18879 of 2018

Vs.

1) The Government of Tamil Nadu,
Rep. By its Principal Secretary
to Government (School Education),
Fort St.George, Chennai 600 009

2) The State Project Director,
Integrated Scheme for School Education,
Samagra Shiksha Abhiyan (SSA),
State Project Office, DPI Campus,
Chennai 600 006

... RR 1 & 2 in both W.P's

3) The Chief Educational Officer,
Karur

... R3 in W.P.(MD)
No.18104 of 2018

4) The Chief Educational Officer,
Sivagangai.

... R3 in W.P.(MD)
No.18879 of 2018

PRAYER in W.P. (MD) No.18104 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to Clause 11(11) of annexure application of impugned proceedings in Ma.Ka.No.1993/௮7/௮௩௮/2018 dated 13.08.2018 along with annexure of 2nd respondent and quash the same.

PRAYER in W.P. (MD) No.18879 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned acknowledgment issued by 3rd respondent herein for BRTE General



Transfer Application 2018 vide reference No.2637 dated 20.08.2018 insofar as placing the petitioner in station seniority alone in the priority quota and quash the same and consequently direct the respondents herein to place the petitioner in both station seniority and spouse category under priority quota in the forthcoming Block Resource Teacher Educator General Transfer 2018-19.

In both W.P's:

For Petitioners : Mr.T.Pon Ramkumar

For Respondents : Mr.A.Thiyagarajan
Government Advocate

C O M M O N O R D E R

The grievance of the petitioners in both the writ petitions is that the reduction from five years to three years in the Block Resource Teacher Educator (BRTE) / General Transfer (2018-19) is illegal. In view of the common grievance, a common order is passed.

2. The learned counsel for the petitioners would rely upon Clause IX (xi) of G.O.Ms.No.403, dated 29.05.2018 and submit that, priority in transfer would be given to Block Resource Teacher Educators (BRTE), if he/she had completed five years as on 01.06.2018. It is his further case that as per G.O.Ms.No.556 dated 09.08.2018, the guidelines in G.O.Ms.No.403 dated 29.05.2018 requires to be followed during General Transfers, since the post of School Teachers and BRTE are the same, as referred to in paragraph No.3 in G.O.Ms.No.556 dated 09.08.2018.

3. It is seen that G.O.Ms.No.403 dated 29.05.2018 is made applicable for the year 2018 and general transfers to be effected during the years 2018 and 2019 and such Government order applies to the School teachers. Clause 20 of G.O.Ms.No.403 dated 29.05.2018 makes a reference that the guidelines for transfer to BRTE would be laid down separately. Subsequently, G.O.MS.No.556 dated 09.08.2018, came to be passed, which is applicable, exclusively for the BRTE and Clause 3 therein, lays down guidelines for priority to the BRTE, who had completed three years of service in the same District.

4. The post of BRTE and School Teachers cannot be equated together in, insofar as it pertains to guidelines for General Transfers, in view of two separate Government orders namely G.O.Ms.No.403 and G.O.Ms.No.556 being issued.

5,. Above all, the grievance of the petitioners herein, has become infructuous, since they seek for quashing of the transfer orders of the year 2018, wherein the proceedings are pursuant to G.O.Ms.No.556 Education Department dated 09.08.2018.



Hence, both the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

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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 concerned.

To:

- 1) The Principal Secretary
to Government (School Education),
Fort St.George, Chennai 600 009
- 2) The State Project Director,
Integrated Scheme for School Education,
Samagra Shiksha Abhiyan (SSA),
State Project Office, DPI Campus,
Chennai 600 006
- 3) The Chief Educational Officer,
Karur.
- 4) The Chief Educational Officer,
Sivagangai.

+2 CC to M/s.T.PON RAMKUMAR, Advocate (SR-14754[F] dated 31/03/2021

+1 CC to M/s.SPL GOVT PLEADER Advocate (SR-8160[F] dated 02/03/2021

Common Order made in
W.P. (MD)Nos.18104 & 18879 of 2018

Dated:

30.03.2021

RK (26.04.2021) 3P 8C