



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.12.2021**

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.22846 to 22852 of 2021

WEB COPY

W.P(MD)No.22846 of 2021:-

- 1.A.Muthuraman ... Petitioner(s) in WP(MD). 22846/ 2021
- 2.P.A.ramaniprabha ... Petitioner(s) in WP(MD). 22847/ 2021
- 3.S.Madasamy ... Petitioner(s) in WP(MD). 22848/ 2021
- 4.C.Meenakshisundaram ... Petitioner(s) in WP(MD). 22849/ 2021
- 5.S.Christinal Jute Amaladeepa
... Petitioner(s) in WP(MD). 22850/ 2021
- 6.K.Ravi ... Petitioner(s) in WP(MD). 22851/ 2021
- 7.M.Premila Jini ... Petitioner(s) in WP(MD). 22852/ 2021

Vs.

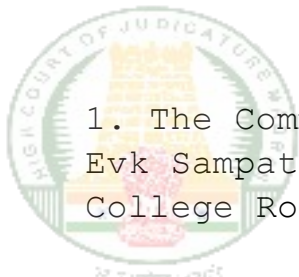
1. The Commissioner of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam,
Chennai-600006.

2. The Director of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam,
Chennai-600006.

3. The Join Director of School Education (Personnel),
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

4. The Chief Educational Officer
O/o. the Chief Educational Officer,
Pudukkottai District , Pudukkottai.

... Respondent(s) in WP(MD). 22846/ 2021



1. The Commissioner of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

2. The Director of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

3. The Join Director of School Education (Personnel),
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

4. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Ramanthapuram District , Ramanathapuram.

... Respondent(s) in WP(MD). 22847/ 2021

1. The Commissioner of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

2. The Director of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

3. The Join Director of School Education (Personnel),
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

4. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Virudhunagar, Virudhunagar District

... Respondent(s) in WP(MD). 22848/ 2021

1. The Commissioner of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

2. The Director of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.



3. The Join Director of School Education (Personnel),
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

4. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Theni District , Theni.

5. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Krishnagiri District, Krishnagiri.

... Respondent(s) in WP(MD). 22849/ 2021

1. The Commissioner of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

2. The Director of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

3. The Join Director of School Education (Personnel),
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

4. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Thiruchirappalli District , Thiruchirappalli.

5. The Chief Educational Officer
O/o. the Chief Educational Officer,
Ariyalur District , Ariyalur.

... Respondent(s) in WP(MD). 22850/ 2021

1. The Commissioner of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

2. The Director of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.



3. The Join Director of School Education (Personnel),
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

4. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Thiruchirappalli District , Thiruchirappalli.

5. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Thiruvarur District , Thiruvarur.

... Respondent(s) in WP(MD). 22851/ 2021

1. The Commissioner of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

2. The Director of School Education,
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

3. The Join Director of School Education (Personnel),
Evk Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam, Chennai-600006.

4. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Virudhunagar District , Virudhunagar.

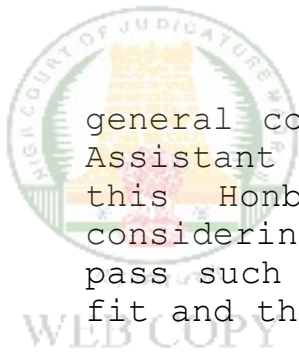
... Respondent(s) in WP(MD). 22852/ 2021

Prayer in WP(MD). 22846/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide priority to the petitioner in the general counselling to be conducted for transfer of the Graduate Assistant Teachers (B.T. Assistant) in view of the order passed by this Honble Court in W.P.No.16310/2021 dated 24.11.2021 by considering the petitioners representation dated 17.12.2021 and pass such other appropriate orders as this Honble Court may deem fit and thus render justice.

Prayer in WP(MD). 22847/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide priority to the petitioner in the



general counselling to be conducted for transfer of the Graduate Assistant Teachers (B.T. Assistant) in view of the order passed by this Honble Court in W.P.No.16310/2021 dated 24.11.2021 by considering the petitioners representation dated 18.12.2021 and pass such other appropriate orders as this Honble Court may deem fit and thus render justice.

Prayer in WP(MD). 22848/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide priority to the petitioner in the general counselling to be conducted for transfer of the Graduate Assistant Teachers (B.T. Assistant) in view of the order passed by this Honble Court in W.P.No.16310/2021 dated 24.11.2021 by considering the petitioners representation dated 18.12.2021 and pass such other appropriate orders as this Honble Court may deem fit and thus render justice.

Prayer in WP(MD). 22849/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide priority to the petitioner in the general counselling to be conducted for transfer of the Graduate Assistant Teachers (B.T. Assistant) in view of the order passed by this Honble Court in W.P.No.16310/2021 dated 24.11.2021 by considering the petitioners representation dated 16.12.2021 and pass such other appropriate orders as this Honble Court may deem fit and thus render justice.

Prayer in WP(MD). 22850/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide priority to the petitioner in the general counselling to be conducted for transfer of the Graduate Assistant Teachers (B.T. Assistant) in view of the order passed by this Honble Court in W.P.No.16310/2021 dated 24.11.2021 by considering the petitioners representation dated 17.12.2021 and pass such other appropriate orders as this Honble Court may deem fit and thus render justice.

Prayer in WP(MD). 22851/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide priority to the petitioner in the general counselling to be conducted for transfer of the Graduate Assistant Teachers (B.T. Assistant) in view of the order passed by this Honble Court in W.P.No.16310/2021 dated 24.11.2021 by considering the petitioners representation dated 16.12.2021 and pass such other appropriate orders as this Honble Court may deem fit and thus render justice.



fit and thus render justice.

Prayer in WP(MD). 22852/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide priority to the petitioner in the general counselling to be conducted for transfer of the Graduate Assistant Teachers (B.T. Assistant) in view of the order passed by this Honble Court in W.P.No.16310/2021 dated 24.11.2021 by considering the petitioners representation dated 20.11.2021 and pass such other appropriate orders as this Honble Court may deem fit and thus render justice.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.V.Nirmal Kumar
Government Advocate
(in all WPs)

C O M M O N O R D E R

Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioners and Mr.V.Nirmal Kumar, learned Government Advocate appearing for the respondents.

2.These Writ Petitions have been filed seeking for issuance of a Mandamus, to the respondents to provide priority to the petitioners in the general counselling to be conducted for transfer of the Graduate Assistant Teachers(B.T.Assistant), in view of the order passed by this Court in WP(MD) No.16310 of 2021 dated 24.11.2021, by considering the petitioners' representations made on various dates.

3.By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

4.The case of the petitioners is that the petitioners have been initially appointed as Block Resource Teacher Educator (Mathematics), Block Resource Teacher Educator (Physics) and Block Resource Teacher Educator (Chemistry) (in short, 'BRTE) by the third respondent/the Joint Director of School Education(Personnel) vide proceedings dated 14.07.2006. The first respondent has issued GO(Ms) No.16, School Education(Q2) Department dated 05.02.2002, whereby, the third respondent was directed to be the Nodal Agency for recruiting Block Resource Teachers and the petitioners all along have been working as BRTE pursuant to the issuance of the said Government Order. The Government, vide G.O (1D)No.134, School Education (Pa.Ka.5)(1) Department dated 18.08.2021 framed certain guidelines for conducting transfer counselling and also conversion of BRTEs as BT Assistants to the



Government High Schools and Higher Secondary Schools. By the said Government Order, 500 senior most BRTes were transferred and posted as BT Assistants irrespective of their willingness. The said Government Order was challenged by the similarly placed BRTes in WP(MD) Nos.16310 of 2021 etc., batch and this Court, vide order dated 24.11.2021 while dismissing the Writ Petitions, has observed as under in paragraphs 29 to 31:

"29.In view of the above position and the guidelines of the Hon-ble Supreme Court, this Court is not inclined to entertain these writ petitions.

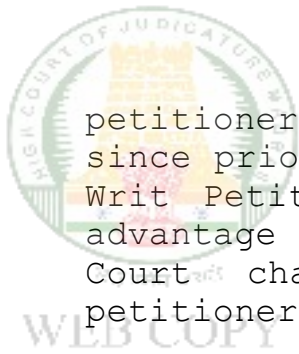
30.During the course of arguments, it is represented that among the 500 BRTes, who are identified as the senior most persons, as per Clause 4(1)(m) of the impugned Government Order, 420 persons have not challenged the Government Order, participated in the Counselling and they have been accommodated in the respective places. These petitioners have also participated in the Counselling, however, no orders have been issued in view of the pendency of the writ petitions.

31.At this juncture, learned Additional Advocate General brought to the notice of this Court that the general counselling is yet to commence for BT Assistants and that if the petitioners are not inclined to take any place, which is available in the present transfer counselling, they can opt for the general counselling and that they would be given priority at the time of general counselling. This submission made by the learned Additional Advocate General stands recorded.

In the result, these writ petitions stand dismissed. There shall be no order as to costs. Pending interim orders shall stand vacated and consequently, all the connected miscellaneous petitions shall stand dismissed.''

5.By referring to the above earlier order of this Court, the learned counsel for the petitioners submit that the petitioners are also similarly placed persons as that of the persons who approached this Court in WP(MD) Nos.16310 of 2021 etc batch, and therefore, the petitioners are also entitled to get priority in the general counselling as extended to the writ petitioners in the above said batch of writ petitions. Therefore, apprehending that the petitioners may not get the relief at the time of counselling, they have come forward by way of the present Writ Petitions.

6. Mr.V.Nirmal Kumar, learned Government Advocate, who takes notice for the respondents would submit that these



petitioners may not get the benefit which was granted earlier since priority has been provided in respect of those who filed the Writ Petition before this Court and the same cannot be taken advantage by these petitioners since they have not approached this Court challenging the Government Order earlier and thereby, the petitioners herein are not entitled for the same.

7.Though, the learned Additional Government Pleader opposed that the petitioner is not entitled for the relief, the earlier order has been passed based on the undertaking given by the learned Additional Advocate General. Considering the fact that these persons who have been appointed as BRTEs in the year 2002 have been permitted to work as BRTEs, in the same posts for several years by way of G.O.Ms.No.134, dated 18.08.2021, a decision has been taken by the Government to post senior most 500 BRTEs as BT Assistants. Some of the BRTEs challenged the relevant portion of conversion of BRTEs to BT Assistants in WP(MD) No.16310 of 2021 and etc., batch and the same was dismissed by this Court by order dated 24.11.2021. However, during the course of hearing in the above writ petitions, the learned Additional Advocate General has submitted that those petitioners would be considered and would be given preference during the general counselling. Though the petitioner herein is not the party to the above Writ Petitions, she is also a similarly placed person that of those Writ Petitioners in WP(MD)No.16310 of 2021 and etc., batch and therefore, she is also entitled for a preference during the general counselling. The statement made by the learned Additional Advocate General is the statement of the Government and is binding on all the similarly placed persons.

8.Accordingly, these Writ Petitions are disposed of, with the above observation. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

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.

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



To:

- 1.The Commissioner of School Education,
E.V.K.Sampath Maaligai, DPI Campus,
College Road, Numgambakkam,
Chennai-600 006
- 2.The Director of School Education,
E.V.K.Sampath Maaligai, DPI Campus,
College Road, Numgambakkam,
Chennai-600 006.
- 3.The Joint Director of School Education(Personnel),
E.V.K.Sampath Maaligai, DPI Campus,
College Road, Numgambakkam,
Chennai-600 006.
4. The Chief Educational Officer
O/o. the Chief Educational Officer,
Pudukkottai District , Pudukkottai.
5. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Ramanthapuram District , Ramanathapuram.
6. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Virudhunagar, Virudhunagar District
7. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Theni District , Theni.
8. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Krishnagiri District, Krishnagiri.
9. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Thiruchirappalli District , Thiruchirappalli.
10. The Chief Educational Officer
O/o. the Chief Educational Officer,
Ariyalur District , Ariyalur.



11. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Thiruvavarur District , Thiruvavarur.

+7 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-40390[F]
dated 23/12/2021)

+1 CC to M/s.SPL GP (SR-40477[F] dated 27/12/2021)

W.P(MD)Nos.22846 to 22852 of 2021
23.12.2021

KMK (CO)
SB(03.01.2022) 10P 20C