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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.3623 of 2022
and W.M.P.No.3763 of 2022

- 1.N.Ramesh,
Deputy Inspector of Schools,
District Educational Office,
Chengalpattu,
Chengalpattu District.
- 2.V.Kirubakaran
Deputy Inspector of Schools,
District Educational Office,
St.Thomas Mount,
Chrompet,
Chengalpattu District.
- 3.A.Roseline Mary
Deputy Inspector of Schools,
District Educational North Office,
Chennai District.
- 4.K.Prabakar,
Deputy Inspector of Schools,
District Educational Office,
Chennai South,
Chennai District.
- 5.Ramadass
Deputy Inspector of Schools,
District Educational Office,
Villupuram, Villupuram District.
- 6.A.Manivasagam
Deputy Inspector of Schools,
District Educational Office,
Vellore, Vellore District.
- 7.R.V.Ramanathan
Deputy Inspector of Schools,
District Educational Office,
Nagapattinam,
Nagapattinam District.



8.R.Thilak

Deputy Inspector of Schools,
District Educational Office,
Mayiladudurai,
Mayiladudurai District.

9.G.Kumar

Deputy Inspector of Schools,
District Educational Office,
Thiruvannamalai,
Thiruvannamalai District.

... Petitioners

Vs.

1.The Commissioner of School Education,
O/o. Commissioner of School Education,
Nungambakkam,
Chennai.

2.The Joint Director of School Education (Personnel),
O/o. the Joint Director of School Education,
Chennai - 600 006.

3.The Chief Educational Officer,
O/o. Chief Educational Office,
Chennai.

4.The Chief Educational Officer,
Chengalpattu District,
Chengalpattu.

5.The Chief Educational Officer,
Villupuram District.
Villupuram.

6.The Chief Educational Officer,
Vellore District, Vellore.

7.The Chief Educational Officer,
Nagapattinam District, Nagapattinam.

8.The Chief Educational Officer,
Mayiladuthurai District,
Mayiladuthurai.

9.The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents



PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, to issue writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.69836/C2/E1/2021, dated 06.01.2022 and quash the same as illegal.

For Petitioners : Mr.I.Calvin Jones

For Respondents : Mr.V.Manoharan,
Additional Government Pleader

O R D E R

This Writ Petition has been filed to call for the records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.69836/C2/E1/2021, dated 06.01.2022 and quash the same as illegal.

2.Brief facts of the case:

Some petitioners were initially appointed as B.T.Assistants and some petitioners were promoted as B.T.Assistants from the post of Secondary Grade Teacher. All the petitioners have passed Deputy Inspector's Test and other requisite Tests as per the Rules and became qualified to be transferred and posted as Deputy Inspector of Schools, which is the equal cadre of B.T.Assistant carrying identical scale of pay. The post of the Deputy Inspector of Schools is governed by the Special Rules for Tamil Nadu Educational Subordinate Service and by virtue of the qualifications and tests passed by B.T.Assistants, they were transferred and posted as Deputy Inspector of Schools. While matter stands thus, the second respondent vide his impugned proceedings Na.Ka.No.69836/C2/E1/2021, dated 06.01.2022, has directed all the Chief Educational Officers to post/transfer all the Deputy Inspectors as B.T.Asistants and further stated that the Deputy Inspectors, who are working for a period of more than three years as on 31.12.2021 was directed to be transferred and the power was conferred to the jurisdictional Chief Educational Officer. The said proceedings of the second respondent has resulted in filing of the present writ petition by the petitioners.

3.The learned counsel appearing for the petitioners would submit that by an impugned proceedings dated 06.01.2022, the second respondent had directed all the Chief Educational Officer to transfer all the Deputy Inspectors as B.T.Assistants without any reason. Even though the word "Administrative Reason" is employed in the impugned order of transfer, there is no actual administrative reason warranting the present impugned order and



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no public interest is involved as could be seen from the impugned order. Merely because the incumbents were working for a period of more than three years, that by itself will not confer any right to transfer them as B.T.Assistants. He would submit that in order to accommodate some favoured persons, the impugned order came to be passed conferring discretionary power to the respective Chief Educational Officers and further submitted that there are about 120 Deputy Inspectors working across the State and it is true that their places are also laying vacant and someone should work in their places. Further, he would submit that the impugned order refers G.O.Ms.No.101 School Education Department dated 18.05.2018, which only speaks about the restructure of the department and it would not have any relevance in matter of individual transfer order. Therefore, he would submit that there is no requirement at all to transfer the petitioners and more particularly in the absence of any statutory provision, the impugned order is abruptly bad in law and liable to be set aside.

4.The learned Additional Government Pleader appearing for the respondents would rely upon the judgment in similar circumstances of this case in W.P.(MD).No.429 of 2022 and batch, and by an order dated 04.03.2022, the Hon'ble Madurai Bench of this Court has dismissed the said batch of writ petitions.

5.Taking into consideration the above facts and circumstances of this case and considering the facts of this case, are similar to the judgment passed by the Hon'ble Madurai Bench of this Court, in W.P.(MD).Nos.429 of 2022 and batch, this Court is inclined to dismissed the present writ petition.

6.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of School Education,
O/o. Commissioner of School Education,
Nungambakkam, Chennai.



2.The Joint Director of School Education (Personnel),
O/o. the Joint Director of School Education,
Chennai - 600 006.

3.The Chief Educational Officer,
O/o. Chief Educational Office, Chennai.

4.The Chief Educational Officer,
Chengalpattu District, Chengalpattu.

5.The Chief Educational Officer,
Villupuram District, Villupuram.

6.The Chief Educational Officer,
Vellore District, Vellore.

7.The Chief Educational Officer,
Nagapattinam District, Nagapattinam.

8.The Chief Educational Officer,
Mayiladuthurai District,
Mayiladuthurai.

9.The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

+1cc to M/s.Ajmal Associates, Advocate, S.R.No.17667

+1cc to the Government Pleader, S.R.No.17740

W.P.No.3623 of 2022

SVI (CO)
SB(13/04/2022)