

\IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

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THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.2686 of 2022

and

W.M.P No. 2853, 2855 of 2022

S.Sangeeth,
S/o V.Sampath

... Petitioner

Vs.

1. The Director of Elementary School Education,
DPI Campus, Collage Road, Chennai 600 006.
2. The Chief Educational Officer, Dharmapuri District,
Dharmapuri.
3. The District Educational Officer,
Dharmapuri Educational District,
Dharmapuri.
4. The District Educational Officer,
Harur Educational District, Harur,
Dharmapuri District.
5. The Block Educational Officer,
Pappireddipatty Union, Dharmapuri District.
6. The Block Educational Officer,
Pennagaram Union,
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to restore the petitioner to his parent union viz., Pappireddipatty Union on priority basis, as per the condition in the order of deployment in Na.Ka.No.1648/A4/2016 dated 13.08.2016 and the proceedings of first respondent in Na.Ka.No.756/D1/2021 dated 06.01.2022 based on the counselling to be conducted on 16.02.2022, in consideration of representation submitted by the petitioner dated 04.02.2022, with all consequential and other attendant benefits, within a time frame to be fixed by this court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Nanmaran, Addl.Govt. Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to restore the petitioner to his parent union viz., Pappireddipatty Union on priority basis, as per the condition in the order of deployment in Na.Ka.No.1648/A4/2016 dated 13.08.2016 and the proceedings of first respondent in Na.Ka.No.756/D1/2021 dated 06.01.2022 based on the counselling to be conducted on 16.02.2022, in consideration of representation submitted by the petitioner dated 04.02.2022, with all consequential and other attendant benefits, within a time frame to be fixed by this court.

2. The case of the petitioner in brief.

The petitioner was initially appointed as Secondary Grade Teacher in Elementary Education in Pappireddipatty Union, Dharmapuri District on 17.12.2012. Thereafter, he was transferred on deployment as surplus teacher to Pennagaram Union, as per the proceedings of DEEO, Dharmapuri District dated 13.08.2016 and his seniority is ordered to be maintained in the parent union. After deployment, he has not relinquished his seniority from Pappireddipatty Union nor opted to become a member of Pennagaram Union. While that being so, in the panel for the year 2018 for promotion to the post of B.T.Assistant in Pennagaram Union on 30.04.2018, his name was wrongly included in Pennagaram Union Seniority list. Hence, he gave representation and considering the same, the second respondent issued orders dated 29.04.2019, restoring his seniority in Parent union i.e. Pappireddipatty Union.

2.1. Then, the earlier order dated 29.04.2019 was suddenly cancelled on 28.06.2019, by deleting his name in the Pappireddipatty Union seniority list, with further direction to continue his seniority in Pennagaram Union, which is arbitrary. Hence he filed a Writ Petition in W.P.No.19732 of 2019, wherein this court, passed interim direction, directing the respondents to keep one post of B.T. Assistant (Science) in Pappireddipatty Union vacant for the petitioner, since at the relevant point of time, B.T. Assistant post in Pappireddipatty Union was sought to be filled up by promotion, without considering the petitioner. The above writ petition is still pending. But the respondents 4 and 5, have not included the petitioner's name in Pappireddipatty Union, till date, inspite of order of this court, as well as the proceedings of DEO, Harur Educational District and BEO, Pappireddipatty Union.

2.2. Now, the transfer counselling is sought to be conducted for the post of Secondary Grade Teachers working in Elementary Education on 16.02.2022. Therefore, he gave representation dated 04.02.2022 to the respondents to include his name in Pappireddipatti Union. Unless and otherwise, the petitioner's name is included in his Parent union, viz., Pappireddipatty Union, he cannot be considered for transfer back to his parent union from Pennagaram Union. Hence this writ petition.

4. The learned Additional Government Pleader, appearing for the respondents submitted that, the petitioner's representation will be considered and orders will be passed by the Chief Educational Officer, Dharmapuri District.

5. In view of the above submissions and also taking into account the urgency of the matter, it is ordered as follows.

i] The second respondent viz. Chief Educational Officer, Dharmapuri District is directed to consider the representation of the petitioner dated 04.02.2022, and pass orders on its own merits, in accordance with law, on or before 15.02.2022.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Mst

To

1. The Director of Elementary School Education,
DPI Campus, Collage Road, Chennai 600 006.
2. The Chief Educational Officer, Dharmapuri District,
Dharmapuri.
3. The District Educational Officer,
Dharmapuri Educational District,
Dharmapuri.
4. The District Educational Officer,
Harur Educational District, Harur,
Dharmapuri District.

5. The Block Educational Officer,
Pappireddipatty Union, Dharmapuri District.
6. The Block Educational Officer,
Pennagaram Union,
Dharmapuri District.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.9262
+1cc to the Government Pleader, S.R.No.9563 (11/03/2022)

W.P.No.2686 of 2022 and
W.M.P No. 2853, 2855 of 2022

BP(CO)
CT 11/02/2022