



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.3571 of 2022 &
WMP.Nos.3700 & 3701 of 2022

- 1.J.Radha,
W/o.Vijayendran,
B.T.Assistant (Social Science),
Government Higher Secondary School,
Udaiyarpalayam,
Rasipuram Taluk,
Namakkal District-636202.
- 2.K.R.Vijaya,
W/o.Mathikannan,
B.T.Assistant (Social Science),
Government Girls Higher Secondary School,
Namagiripettai,
Namakkal District-637406.
- 3.K.Tamilselvi,
W/o.Aruachalam,
B.T.Assistant (Tamil),
Government Higher Secondary School,
Udaiyarpalayam,
Rasipuram Taluk,
Namakkal District-636202.
- 4.S.Pushpalatha,
W/o.Bagirathan,
B.T.Assistant (Social Science),
Government Higher Secondary School,
Kabilarmalai,
Namakkal District-637204.
5. S.Jeevitha,
W/o.Suresh,
Government Higher Secondary School,
Kabilarmalai,
Namakkal District-637204.
- 6.P.Punitha,
W/o.Saravanan,
B.T.Assistant (Science),
Government Higher Secondary School,
Udayarpalayam,
Rasipuram Taluk,
Namakkal District-636002.



Vs

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai-600 009.
 - 2.The Commissioner of School Education,
DPI Campus, College Road,
Chennai-600 006.
 - 3.The Joint Director of School Education (Higher Secondary),
DPI Campus, College Road,
Chennai-600 006.
 - 4.The Chief Educational Officer,
Namakkal District,
Namakkal.
- ... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, to direct the respondents to pass orders giving priority to the petitioners suffered compulsorily deployment order in the previous years in the counseling for deployment of B.T.Assistant teachers in School Education Department, in consideration of the representation submitted by the petitioners forthwith and consequently to allow the petitioners to participate in the deployment counselling on priority basis as per the proceedings in Na.Ka.No.25154/A1/E2/2021 dated 28.01.2022.

For Petitioner : Mr.G.Sankaran

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

O R D E R

This Writ Petition has been filed to direct the respondents to pass orders giving priority to the petitioners, who suffered compulsorily deployment order in the previous years in the counseling for deployment of B.T.Assistant Teachers in School Education Department and to consider the representation submitted by them and consequently allow the petitioners to participate in the deployment counselling on priority basis as per the proceedings in Na.Ka.No.25154/A1/E2/2021 dated 28.01.2022.



(i).The first petitioner was initially appointed as a Secondary Grade Teacher in School Education Department on 01.06.2018 and subsequently, she was promoted as B.T.Assistant and all the other petitioners were appointed as B.T.Asstt in the School Education Department and all the petitioners have been subjected to compulsorily deployment to another school located at far off places and they are living separately from their family since their spouses are working in the original place.

(ii).Considering the plight of the teachers, who have been subjected to compulsorily transfer on deployment basis for no fault of them in the previous years, the State Government while issuing order for transfer counselling every year granted priority in the transfer counselling, as per which, the deployed teachers should be considered in preference, while filling up the vacancies on deployment of surplus teachers. Therefore, the petitioners have given their representation dated 12.02.2022 to the Commissioner of School Education to give priority to them in the transferring counselling for the year 2021-2022 but the same is pending. Hence, the present writ petition.

3.The learned counsel appearing for the petitioner would submit that in G.O.(1D).No.137, dated 09.06.2014, the Government has given preference to the deployed teachers in the previous years during the transfer counselling. Further, he would submit that in G.O.Ms.No.176, dated 17.12.2021 no such provision giving preference to the deployed teacher in transfer counselling in respect of teachers suffered compulsorily deployment transfer in the previous years and consequent to the said G.O.Ms.No.176, dated 17.12.2021, the Director of Elementary Education issued proceedings dated 06.01.2022, 28.01.2022 and 02.02.2022 giving priority for teachers working in Elementary Education who suffered deployment transfer in the previous years. Where as in respect of School Education Department, no such provision has been granted by the second respondent in spite of repeated representations. Therefore, the writ petitioners have made a representation dated 12.02.2022 to the Commissioner of School Education requesting to give priority to them in the transferring counselling for the year 2021-2022 since they are deployed teachers and from the year 2015 they have been working in the same Station. But the said representation has not been considered till now.

4.The learned Additional Government Pleader appearing for the respondents submitted that the petitioner's representation dated 12.10.2021, will be considered by the Commissioner of School Education and the orders will be passed on merits in accordance with law.

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



6. On a perusal of the records, it is seen that in the Government Order passed in G.O.(1D).No.137, dated 09.06.2014, there is a specific clause, that the priority has been granted to the deployed teachers for attending transfer counselling but unfortunately in G.O.Ms.No.176, dated 17.12.2021, School Educational Department has framed guidelines for transfer counselling without giving priority for the deployed teachers. Therefore, the petitioners have submitted their representation dated 12.02.2022 to the Commissioner of School Education to give priority to them in the transferring counselling for the year 2021-2022.

7. In view of the above facts and circumstances of the case, to meet the ends of justice, this Court is inclined to direct the second respondent/Commissioner of School Education to consider the petitioners' representation dated 12.02.2022 and take decision on merits in accordance with law as early as possible preferably within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Secretariat, Chennai-600 009.

2. The Commissioner of School Education,
DPI Campus, College Road, Chennai-600 006.

3. The Joint Director of School Education (Higher Secondary),
DPI Campus, College Road, Chennai-600 006.

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

+1 cc to Government Pleader Sr.NO. 11573

W.P.No.3571 of 2022 &
WMP.Nos.3700 & 3701 of 2022

BR(CO)

A.SK(14/03/2022)

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