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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.5483 OF 2022

AND

W.M.P.NOS.5566, 5567 & 5568

V.Sivaji

... Petitioner

.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,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Director of School
Education (Personnel),
DPI Campus, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Thanjavur District,
Thanjavur.

5. R.Sakthivel

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 3rd respondent in Na.Ka.No.69836/C2/E1/2021 dated 06.01.2022 and to quash the same and consequently to allow the petitioner to continue in the post of Deputy Inspector of Schools in the Office of District Educational Officer, Thanjavur, Thanjavur District.



For Petitioner : Mr.G.Sankaran
For RR1 to 4 : Mr.V.Nanmaran
Additional Government Pleader

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O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 3rd respondent in Na.Ka.No.69836/C2/E1/2021 dated 06.01.2022 and to quash the same and consequently to allow the petitioner to continue in the post of Deputy Inspector of Schools in the Office of District Educational Officer, Thanjavur, Thanjavur District.

2. The case of the writ petitioner is that initially he was appointed as Secondary Grade Teacher in Elementary Education Department and subsequently, he was promoted to the post of B.T Assistant. In the meanwhile, he had 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 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 the B.T Assistants, they were transferred and posted as Deputy Inspector of Schools. Through the impugned order, dated 06.01.2022, the 3rd respondent/Joint Director of School Education directed the Chief Educational Officer of the respective Districts to transfer and post the Deputy Inspectors of Schools as B.T Assistants on or before 07.01.2022 and the said proceedings is resulted in filing of the present writ petition by the petitioner.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the issue involved in the present writ petition has already been elaborately considered in the similar writ petitions filed before the Madurai Bench of this Court in W.P.(MD)Nos.429, 644, 787 & 807 of 2022 vide order dated 04.03.2022, wherein a final order has been passed by considering all the grounds raised by the petitioners.

4. In this regard, it is relevant to extract para 34 of the aforesaid order which reads as under:

.... Therefore, this Court is of the concrete opinion that the service conditions of the petitioners are not violated nor infringed. When two posts carry equivalent scale of pay and treated



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as equal categories under the Rules, admittedly, the petitioners have no right to claim a particular post as a matter of right or choice. Status cannot be claimed in the Government service. When the service conditions are not infringed from and out of the administrative transfers effected, the Government employees have no right to claim the post as their choice. Thus, the petitioners have not established any right for the purpose of challenging the impugned orders nor they have established violation of the service conditions contemplated under the Rules. Therefore, the circular issued by the Joint Director of School Education and the consequential transfer orders issued by the Chief Educational Officers do not affect the service conditions of the petitioners and they have not established any right for the purpose of entertaining the writ petitions and for grant of the relief sought for.

Following the same, the present writ petition is liable to be dismissed.

5. Accordingly, the writ petition stands dismissed. No costs. Subsequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.



3. The Joint Director (Personnel),
Directorate of School Education,
DPI Campus, College Road,
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4. The Chief Educational Officer,
Thanjavur District,
Thanjavur.

W.P.NO.5483 OF 2022 AND
W.M.P NOS.5566, 5567 & 5568 OF 2022

SKM(CO)
PBS/28/03/2022