

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.28347 OF 2016

AND

W.M.P.NO.24471 OF 2016

Tamil Nadu Elementary School Teachers Federation,
(Reg. No. 118/61)
Rep. by its Block Secretary,
C.Shanmugam,
No. 216/A, 2nd Street,
Bhuvanagiri Amman Nagar,
Kancheepuram District - 631 501.

...Petitioner

Vs

1.The Director,
Elementary Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai - 600 034.

2.The District Elementary Education Officer,
District Elementary Education Office,
Nazarathpet,
Kancheepuram.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus to call for records of the First Respondent made in his Proceedings in Na.Ka.No. 011042/D1/2016 dated 16.07.2016 and quash the same insofar as it refers to transfer on deployment and consequently forbear the Second Respondent from conducting the counselling with regard to deployment of Secondary Grade teachers in Kattankolathur Government Primary and Middle Schools Kancheepuram District.

For Petitioner : Ms.Kaviya Silambannan

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader

O R D E R

Heard Ms.Kaviya Silambannan, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, which is a federation of registered association of teachers, has filed this Writ Petition challenging Circular in Na. Ka. No. 011042/ D1/2016 dated 16.07.2016 issued by the First Respondent to all District Elementary Education Officers to follow the time schedule in terms of G.O. (1D) No. 258, School Education [S.E.5(1)] Department dated 06.07.2016 for counselling with regard to transfer, recruitment and promotion of teacher and headmasters working in Government Elementary and Middle Schools in Panchayat Union/Municipality/Corporation.

3. In view of the dictum laid down by the Hon'ble Supreme Court of India in Mahinder Kumar Gupta -vs- Union of India [(1995) 1 SCC 85] that an Association cannot file a Writ Petition seeking relief espousing the cause of its individual members and does not affect any legal right of that Association, this Writ Petition at the instance of an Association cannot be entertained. However, it is made clear that it would not preclude the individual members of the Petitioner Association to work out their remedies before appropriate forum in the manner recognized by law.

4. In fine, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

skr

To

1.The Director,
Elementary Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai - 600 034.

2.The District Elementary Education Officer,
District Elementary Education Office,
Nazarathpet,
Kancheepuram.

+1cc to the Government Pleader Sr.No.45233

W.P.No.28347 of 2016

RR(CO)
RVM(14/07/2022)