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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.19453 of 2021

P.Manjula, M.A., M.Ed., M.Phil.,
B.T.Assistant (History),
Concordia Teacher Training Institute - IELC,
Mission Compound,
Ambur-635 802,
Vellore District.

... Petitioner

Vs.

1.The Hon'ble Mr.Justice D.Hariparanthaman (Retd.),
Administrator - IELC,
No.47, Eldamus Road,
Teynampet, Chennai-18.

2.The Director,
State Council of Educational and Research Institute,
Chennai.

3.The Principal,
District Institute of Education and Training,
Ranipet-632 401, Ranipet District.

4.The Chief Educational Officer,
Tirupattur - 635 601,
Thirupattur District.

5.The Administrator,
Concordia Teacher Training Institute - IELC,
Mission Compound,
Ambur-635 802, Vellore District.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to transfer/deploy the petitioner from the 5th respondent institute to any Aided Managements Schools functioning under the control of IELC, in the vacancy of B.T.Assistant (History) or Secondary Grade Level, as the case may be, by considering the representation of the petitioner dated 08.10.2018 and 23.08.2021, in the light of the Government Order and the proceedings of the 2nd respondent dated 27.02.2019.



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For Petitioner: Mr.S.N.Ravichandran

For R1 : Mr.S.Banzeer Ahamed

For R2 to R4 : Mr.V.Manoharan,
Additional Government Pleader

For R5 : No appearance

O R D E R

The relief sought for in the writ petition is for Mandamus, directing the respondents to transfer/deploy the petitioner from the 5th respondent institute to any Aided Managements Schools functioning under the control of IELC, in the vacancy of B.T.Assistant (History) or Secondary Grade Teacher, as the case may be, by considering the representation of the petitioner dated 08.10.2018 and 23.08.2021, in the light of the Government Order and the proceedings of the 2nd respondent dated 27.02.2019.

2.Brief facts of the case:

In the year 2005, the petitioner was joined as Graduate Teacher in Concordia Teacher Training Institute and on 01.03.2010, as per the appoint of the president of IELC management, the petitioner was appointed the petitioner as B.T.Assistant (History), in the fifth respondent institute. Due to dispute in the management of the Institutions and in view of pendency of litigations, the first respondent was appointed as an Administrator to the Institutions run by IELC, vide an order of this Court in TRCS No.741/2017 and A.No.1695/2018, read with order dated 26.07.2018 in C.S.No.373/2017. Meanwhile, the Government enacted Right of Child to Free and Compulsory Education Act and introduced Teacher Eligibility Test for appointment to the Post of Secondary Grade Teachers and B.T. Assistant Teachers. In view of introduction of TET Examinations, the admission of student for Diploma in Teacher Education drastically fell in the Teacher Training Institutes. Due to lack of sufficient students, the 5th respondent institute could not able to function and faced a down hill in admission from 2018-2019 onwards. As on date, the petitioner and three other staffs are without any duty and salary from March 2018 onwards. In this regard, the petitioner gave a representation dated 08.10.2018 to the 1st respondent/administrator to transfer the teaching staffs from the 5th respondent institute to the Aided Management Schools functioning under the control of IELC. Thereafter, the first respondent has send a request letter dated 11.12.2018 to the third respondent for closure of the fifth respondent due to lack of admission of students in the D.TEd and further requested for transfer of teaching staff/non-teaching staff of the fifth respondent to the Aided Management schools, function under



control of IELC. Again by letter dated 26.12.2018 the Administrator of IELC made similar request to the State Council Educational Research and Training Institute, for transfer of surplus staffs of the fifth respondent institute. Thereafter, the Government issued Letter No.36, School Education Department dated 04.02.2019, directing all teacher training institutes to deploy surplus teaching/nonteaching staffs to the aided teacher training institutes or aided schools under the control of the same management, due to closure of the teacher training institutes. Accordingly, the second and third respondents have issued proceedings and further the third respondent by their letter dated 25.04.2019 & 22.07.2020 directed the management of the IELC to accommodate the surplus teaching/non-teaching staff of the fifth respondent institute in the vacancies arising in the Aided management schools, under the control of IELC, but the Educational Authorities have not considered the same. Hence the writ petition.

3.The learned counsel for the petitioner would submit that due to the lack of admission of students in the Diploma in Teacher Education (D.TEd), the petitioner and others were without duty and salary from March 2018 and hence, he made a representation dated 08.10.2018 to the first respondent requesting to Transfer/Deploy them to other Schools run by the IELC, which are in need of Elementary School Headmaster/Middle school Head Master/B.T.Assistant (English) and B.T.Assistant (History) respectively. Subsequently, Government has issued Letter No.36, School Education Department dated 04.02.2019, by directing all teacher training institutes to deploy surplus teaching/non-teaching staffs to the aided teacher training institutes or aided schools under the control of the same management to closure of teacher training institutes. However, no orders have been passed so far by the first respondent.

4.The learned Additional Government Pleader appearing for the respondents 2 to 4 would submit that it is for the fifth respondent to consider the request of the petitioner.

5.Heard the learned counsel for the petitioner, Mr.S.Bangeer Ahamed, learned counsel for the first respondent and Mr.V.Manoharan, learned Additional Government Pleader appearing for the respondents 3 & 4. None appeared for the fifth respondent.

6.In view of the submissions made by the learned counsel for the petitioner and the submission of the learned Special Government Pleader, this Court finds that the fifth respondent has to consider the request of the petitioner subject to the condition that if he is eligible. Considering the limited scope of the prayer, this Court directs the petitioner to submit his



representation dated 23.08.2021 along with the copy of this order to the fifth respondent within a period of two weeks from the date of receipt of a copy of this order and on such receipt of the petitioner's representation the fifth respondent is directed to consider same on merits in accordance with law as early as possible preferably within a period of eight weeks from thereof.

7. With the above direction this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Hon'ble Mr. Justice D. Hariparanthaman (Retd.),
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2. The Director,
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Tirupattur - 635 601,
Thirupattur District.
5. The Administrator,
Concordia Teacher Training Institute - IELC,
Mission Compound,
Ambur-635 802, Vellore District.

+1cc to Mr. S. N. Ravichandran, Advocate, S.R.No.24029

+1cc to Mr. S. Bazeer Ahamed, Advocate, S.R.No.23937

+1cc to the Government Pleader, S.R.No.24537

W.P.No.19453 of 2021

AJB (CO)
KM(12/04/2022)