



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 24320 of 2021
and WMP.Nos.25632 & 25633 of 2021

1. S.Maridurai
2. V.Muthuraj
- 3.P.Jothimurugan
- 4.R.Yamuna
- 5.S.R.Sudha
- 6.T.Revahi
- 7.R.Marimuthu
- 8.T.Kavitha
- 9.J.Kalpana
- 10.M.Saraswathi
- 11.K.Nathiya
- 12.M.Badmavathi

...Petitioners

Vs.

1.State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
School Education Department,
Fort.St.George, Secretariat,
Chennai-600009.

2.The Commissioner of School Education,
DPI Campus,College Road,
Chennai-600006.

3.The Director of Elementary Education,
DPI Campus,College Road,
Chennai-600006.

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

5.The District Educational Officer,
Sathyamangalam Education District,
Erode District - 638401



6.The Block Educational Officer,
Sathyamangalam Union,
Erode District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the length of service of the petitioners in the post of secondary Grade Teacher in Sathyamangalam Union for reckoning school seniority to participate in the District Transfer Counselling without reference to intermittent compulsorily hill rotation transfer within the sathyamangalam Union by considering the representation submitted by the petitioners dated 23.07.2021 within a time frame as fixed by this Court.

For Petitioner	:Mr.G.Sankaran
For Respondents	:Mr.V.Nanmaran, AGP

ORDER

The case of the petitioners is that the petitioners herein are working as Secondary Grade Teacher in Panchayat Union Primary/Middle Schools in Sathyamangalam Union, Erode District, commonly aggrieved the deprivation of seniority for the purpose of District Transfer in every year transfer counseling for which the school seniority is taken into consideration, whereas the petitioners are subjected to compulsory hill rotation as per G.O. Ms.No. 404, Education, Science and Technology Department dated 25.05.1995 for every year within the Sathyamangalam Union. Hence the petitioners made representation dated 23.07.2021 to the 4th respondent/Chief Educational Officer, Erode District to consider the petitioner's service as Secondary Grade teacher in Sathyamangalam Union for the purpose of reckoning the seniority to participate in the District transfer counseling. The said representation is pending, hence the present writ petition seeking directions to the respondents.

2. The learned counsel for the petitioners submitted that the teachers working in other district and other Union in plain areas are not subjected to hill rotation transfer and they are gaining school seniority continuously by working in the same school and therefore they avail District transfer during the transfer counseling every year based on their school seniority. The learned counsel for the petitioner has further submitted that in spite of the fact that the petitioners are working in the same Union for more than 12 years, whereas the other teacher



working in plain areas in different Union without any hill station schools with less number of service in the Union obtained district transfer at their choice in the transfer counseling based on their school seniority.

WEB COPY

3. The learned counsel for the petitioner has further submitted that the petitioners have made representation to the Chief Educational Officer, but the issue has to be decided by the Director of Elementary Education, therefore the learned counsel for the petitioner seeks liberty to make a fresh representation before the Director of Elementary Education, Chennai/3rd respondent herein.

4. Considering the facts and circumstances of the case and also considering the limited prayer sought for by the petitioner, this Court permitted the petitioners to make fresh representations to the Director of Elementary Education by enclosing all the relevant documents, within a period of two weeks from the date of receipt of a copy of this order. On such representation is made, the 3rd respondent/Director of Elementary Education, Chennai is directed to consider the said representation and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, without any delay.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ak

To

1.The Principal Secretary to Government,
School Education Department,
Fort.St.George, Secretariat,
Chennai-600009.



2.The Commissioner of School Education,
DPI Campus,College Road,
Chennai-600006.

3.The Director of Elementary Education,
DPI Campus,College Road,
Chennai-600006.

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

5.The District Educational Officer,
Sathyamangalam Education District,
Erode District - 638401

6.The Block Educational Officer,
Sathyamangalam Union,
Erode District.

+1 CC to Mr.G.Sankaran, Advocate sr 16522

W.P.No. 24320 of 2021
and WMP.No.25632 & 25633 of 2021

SR(CO)
SP(12/04/2022)