



WEB COPY



W.P.Nos.23716 & 23718 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.23716 & 23718 of 2019

and

W.M.P.Nos.23576 & 23578 of 2019

A.Gurumoorthy ... Petitioner in W.P.No.23716 of 2019

S.Balaji ... Petitioner in W.P.No.23718 of 2019

-Vs-

1. The Director of School Education
DPI Campus, College Road,
Chennai 600 006.

2. The Chief Educational Officer
Thiruvannamalai District,
Thiruvannamalai

3. The District Educational Officer
Arni Education District
Thiruvannamalai District

4. The Correspondent
Subramania Sastriyar Higher Secondary School
Arni, Thiruvannamalai District- 632 301.

... Respondents in both the Writ Petitions.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue Writ of Mandamus, forbearing the



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Respondents from deploying the petitioners as surplus teacher in the category of B.T Assistant (Tamil) in the 4th respondent school without re-fixing the seniority of the petitioner above the direct recruits on par with similarly place promotees, B.T.Assistant (Tamil).

For Petitioners in

both the Writ Petitions : Mr.G.Sankaran

For Respondents in

both the Writ Petitions : Mr.S.Yashwanth,
AGP, [for R1 to R3]
: No appearance [for R4]

COMMON ORDER

The relief sought for in the present writ petitions is to forbear the respondents from deploying the petitioners as surplus teacher in the category of B.T Assistant (Tamil), in the 4th respondent school, without re-fixing the seniority of the petitioners above the direct recruits, on par with similarly place promotees, B.T.Assistant (Tamil).

2. Declaring a teacher as surplus or redeploying, is an administrative affair of the department. Once a teacher is declared as a surplus, pursuant to the inspection conducted by the competent educational authority, such teacher is liable to be redeployed against the



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vacancies available. This being an administrative affair to be carried out by the competent authorities, High Court cannot exercise the powers of Judicial Review for the purpose of issuing an order of injunction, forbearing the respondents from deploying the petitioner.

3. Deployment is incidental to service, more so, it is a condition of the service. It is a policy decision of the Government to utilise the services of the teachers, wherever the need arises. Therefore, during the inspection, if the authorities found that the teachers are working in surplus, those teachers are redeployed to the other schools, wherever the vacancies are available.

4. Declaring a teacher as a surplus or redeployment is made in the public interest and in the interest of the children studying in the schools. This Court cannot interfere with the routine administration of the Government Departments. The power of Judicial Review under Article 226 of the Constitution of India is to ensure the processes through which a decision is taken by the competent authorities, in consonance with the statutes and rules in force, but not the procedure itself. Thus, the arms of the power of Judicial Review under Article 226, cannot be expanded to



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the extent of interfering in the routine administrative affairs of the Government Departments.

5. In the present case, the relief sought in both the writ petitions is to forbear the respondents from deploying the petitioners. Deployment is an administrative exigency, which is to be done in accordance with the guidelines issued by the Government. That being the principles to be followed, the relief sought deserves no merit consideration.

6. Accordingly, these writ petitions stand **dismissed**. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.11.2022

Index : Yes
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S.M.SUBRAMANIAM.J.,

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