



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) .Nos.169 to 174 of 2022

A.Ameenal ... Petitioner in W.P.(MD).No.169 of 2022
S.Elsy ...Petitioner in W.P.(MD).No.170 of 2022
L.Leela Kumari ...Petitioner in W.P.(MD).No.171 of 2022
K.Nirmalakumari ...Petitioner in W.P.(MD).No.172 of 2022
P.Jeyasheela ...Petitioner in W.P.(MD).No.173 of 2022
R.Suganthi Amutha Nirmala ...Petitioner in W.P.(MD).No.174 of 2022

Vs.

1.The Commissioner of School Education,
E.V.K.Sampath Maaligai, DPI Campus,
College Road, Nungambakkam,
Chennai-600 006R1 in all petitions

2.The Director of School Education,
E.V.K.Sampath Maaligai, DPI Campus,
College Road, Nungambakkam,
Chennai-600 006.R2 in all petitions

3.The Joint Director of School Education(Personnel),
E.V.K.Sampath Maaligai, DPI Campus,
College Road, Nungambakkam,
Chennai-600 006.R3 in all petitions

4.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram. ...R4 in W.P.(MD).Nos.169 & 171 of 2022

5.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tenkasi District,
Tenkasi. ...R4 in W.P.(MD).Nos.170 & 173 of 2022



6.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

...R4 in W.P.(MD).No.172 of 2022

7.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Pudukottai District,
Pudukottai.

...R4 in W.P.(MD).No.174 of 2022

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide priority to the petitioners in the general counselling to be conducted for transfer of the Graduate Assistant Teachers(B.T.Assistant) in view of the order passed by this Court in WP(MD) No.16310 of 2021 dated 24.11.2021 by considering the petitioners representation dated 25.10.2021, 26.10.2021, 17.12.2021, 27.11.2021, 01.11.2021.

In all petitions

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.S.Saji Bino
Special Government Pleader

COMMON ORDER

Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioners and Mr.S.Saji Bino, learned Special Government Pleader appearing for the respondents.

2.These Writ Petitions have been filed seeking for issuance of a Mandamus, to the respondents to provide priority to the petitioners in the general counselling to be conducted for transfer of the Graduate Assistant Teachers(B.T.Assistant) in view of the order passed by this Court in WP(MD) No.16310 of 2021 dated 24.11.2021 by considering the petitioners representation dated 25.10.2021, 26.10.2021, 17.12.2021, 27.11.2021, 01.11.2021.

3.By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

4.The case of the petitioners is that they have been initially appointed as Block Resource Teacher Educator (in short, 'BRTE) by the third respondent/the Joint Director of School Education (Personnel) vide proceedings dated 14.07.2006. The first respondent has issued GO(Ms) No.16, School Education(Q2) Department dated 05.02.2002, whereby, the third respondent was directed to be the Nodal Agency for recruiting Block Resource Teachers and the



petitioner all along has been working as BRTE pursuant to the issuance of the said Government Order. The Government, vide G.O (1D)No.134, School Education (Pa.Ka.5)(1) Department dated 18.08.2021 framed certain guidelines for conducting transfer counselling and also conversion of BRTEs as BT Assistants to the Government High Schools and Higher Secondary Schools. By the said Government Order, 500 senior most BRTEs were transferred and posted as BT Assistants irrespective of their willingness. The said Government Order was challenged by the similarly placed BRTEs in WP (MD) Nos.16310 of 2021 etc., batch and this Court, vide order dated 24.11.2021 while dismissing the Writ Petitions, has observed as under in paragraphs 29 to 31:

"29.In view of the above position and the guidelines of the Hon-ble Supreme Court, this Court is not inclined to entertain these writ petitions.

30.During the course of arguments, it is represented that among the 500 BRTEs, who are identified as the senior most persons, as per Clause 4 (1)(m) of the impugned Government Order, 420 persons have not challenged the Government Order, participated in the Counselling and they have been accommodated in the respective places. These petitioners have also participated in the Counselling, however, no orders have been issued in view of the pendency of the writ petitions.

31.At this juncture, learned Additional Advocate General brought to the notice of this Court that the general counselling is yet to commence for BT Assistants and that if the petitioners are not inclined to take any place, which is available in the present transfer counselling, they can opt for the general counselling and that they would be given priority at the time of general counselling. This submission made by the learned Additional Advocate General stands recorded.

In the result, these writ petitions stand dismissed. There shall be no order as to costs. Pending interim orders shall stand vacated and consequently, all the connected miscellaneous petitions shall stand dismissed."

5.By referring to the above earlier order of this Court, the learned counsel for the petitioners submits that the petitioners are also the similarly placed person as that of the persons who approached this Court in WP(MD) Nos.16310 of 2021 etc batch, and therefore, they are also entitled to get priority in the general counselling as extended to the writ petitioners in the above said batch of writ petitions. Therefore, apprehending that they may not get the relief at the time of counselling, the petitioners have come



6. Mr.S.Saji Bino, learned Special Government Pleader, who takes notice for the respondents would submit that these petitioners may not get the benefit which was granted earlier since priority has been provided in respect of those who filed the Writ Petition before this Court and the same cannot be taken advantage by these petitioners since they have not approached this Court challenging the Government Order earlier and thereby, they are not entitled for the same.

7.Though, the learned Special Government Pleader opposed that the petitioners are not entitled for the relief, the earlier order has been passed based on the undertaking given by the learned Additional Advocate General. Considering the fact that those persons who have been appointed as BRTEs in the year 2006 have been permitted to work as BRTEs, in the same posts for several years by way of G.O.Ms.No.134, dated 18.08.2021, a decision has been taken by the Government to post senior most 500 BRTEs as BT Assistants. Some of the BRTEs challenged the relevant portion of conversion of BRTEs to BT Assistants in WP(MD)No.16310 of 2021 and etc., batch and the same was dismissed by this Court by order dated 24.11.2021. However, during the course of hearing in the above writ petitions, the learned Additional Advocate General has submitted that those petitioners would be considered and would be given preference during the general counselling. Though the petitioners herein are not the parties to the above Writ Petitions, they are also similarly placed persons that of those Writ Petitioners in WP(MD)No.16310 of 2021 and etc., batch and therefore, they are also entitled for a preference during the general counselling. The statement made by the learned Additional Advocate General is the statement of the Government and is binding on all the similarly placed persons.

8.Accordingly, with the above observation, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To:

1.The Commissioner of School Education,
E.V.K.Sampath Maaligai, DPI Campus,
College Road, Numgambakkam,
Chennai-600 006



2.The Director of School Education,
E.V.K.Sampath Maaligai, DPI Campus,
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Chennai-600 006.

3.The Joint Director of School Education(Personnel),
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O/o.The Chief Educational Officer,
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Pudukottai.

+6 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-553[F] dated
06/01/2022)

W.P. (MD) .Nos.169 to 174 of 2022
06.01.2022

MA (CO)
TR(06.01.2022) 5P 14C