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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.01.2022**

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.646 of 2022

R.Muneeswari ... Petitioner

Vs.

1.The Director of Elementary Education,
O/o. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-6

2.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Dindigul,
Dindigul District.

3.The District Educational Officer,
O/o.the District Educational Officer,
Dindigul,
Dindigul District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to accommodate the petitioner as Secondary Grade Teacher in any one of the vacancies available in Vadamadurai Union, Dindigul District in the light of Clause(6) of the deployment order issued by the second respondent vide his proceedings in Na.Ka.No.3365/A3/2019 dated 30.08.2019 and in terms of guidelines formulated in Para 24(ii) of the order passed by this Court in WP.(MD)Nos.19502 of 2019 etc., dated 25.11.2019 and by considering the petitioner's representation dated 07.09.2021 within the time frame as stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
For Respondents : Mr.J.Ashok, AGP.

ORDER

Heard Mr.C.Venkatesh Kumar, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

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2.This Writ Petition has been filed seeking for issuance of Writ of Mandamus, to direct the second respondent to accommodate the petitioner as Secondary Grade Teacher in any one of the vacancies available in Vadamadurai Union, Dindigul District in the light of Clause(6) of the deployment order issued by the second respondent vide his proceedings in NA.Ka.No.3365/A3/2019 dated 30.08.2019 and in terms of guidelines formulated in Para 24(ii) of the order passed by this Court in WP.(MD)Nos.19502 of 2019 etc., dated 25.11.2019 and by considering the petitioner's representation dated 07.09.2021 within the time frame as stipulated by this Court.

3.The learned counsel for the petitioner submitted that the petitioner has been deployed to Gujiliamparai Union from Vadamadurai Union, where she was working as Secondary Grade teacher by the 2nd respondent pursuant to G.O.(1D) No.217 School Education Department dated 20.06.2019. The said G.O. as well as deployment order of the 2nd respondent were put to challenge in W.P.(MD) Nos.19520 of 2019 etc., which came to be dismissed with certain guidelines by this Court. However, the learned counsel would submit that in the deployment order, there is a specific clause, viz., Clause No.6, as per which, if any vacancy arises in the parent union, the teachers who are deployed to another union due to surplus, should be absorbed in the said vacancy. Further, this Court, while dismissing the above said writ petitions, formulated certain guidelines, one of which also prescribes that when a vacancy or need arises in the parent union, the teachers deployed from the said union must be given priority and must be re-deployed to their parent union.

4.Therefore, the learned counsel for the petitioner would submit that the petitioner is entitled to re-deployment since there are vacancies available in Vadamadurai Union, Dindigul District and the respondents are also taking initiative to fill up those vacancies and in such event, the petitioner shall be considered in that place and in this regard, she has already made a representation on 06.09.2021.

5.Though the petitioner has asked for larger relief in the Writ Petition, now she confined the same to the extent that she can be considered to be accommodated in any of the vacancies while filling up by the respondents by considering her representation dated 06.09.2021.

6.Mr.J.Ashok, learned Additional Government Pleader, who takes notice on behalf of the respondents would submit that the vacancy position would be ascertained by the Commissionarate of School Education, only during General transfer and promotion counselling (Primary Education and School Education) for the year 2021-2022, which is scheduled on 08.02.2021 for Government/Municipal/Higher Secondary School Teachers/PET Teachers/Music Teachers/Art Teachers/Intermediate Teachers. He also produced a copy of the

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proceedings in Na.Ka.No.756/D1/2021 dated 06.01.2022 in this regard.

7.Considering the submissions made by the learned counsel on either side, this Writ Petition is disposed of, with a direction to the second respondent to consider the petitioner's representation dated 07.09.2021 and take a decision on the entire vacancy position on or before 25.02.2022 and consider the request of the petitioner if they are eligible as per the guidelines.

8.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director of Elementary Education,
O/o. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-6

2.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Dindigul,
Dindigul District.

3.The District Educational Officer,
O/o.the District Educational Officer,
Dindigul,
Dindigul District.

+1 CC to M/s.SPL GP (SR-1911[F] dated 20/01/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-1774[F] dated 19/01/2022)

W.P(MD)No.646 of 2022
19.01.2022

RK(13/04/2022) 3P 6C

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