



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.997 to 1011 of 2022

and

WMP(MD) Nos.821,822,823,824,827,828,830,833,835,
837,825,832,829,826,859,857,836,840,819,820,845,846,863,866,831
, 834,843,842,849 & 847 of 2022

Kavitha Subbaiah	... Petitioner in WP(MD). 997 of 2022
Mahendiran.S	... Petitioner in WP(MD). 998 of 2022
Nagarajan.M	... Petitioner in WP(MD). 999 of 2022
Ganesan.K	... Petitioner in WP(MD). 1000 of 2022
Gopinath.K	... Petitioner in WP(MD). 1001 of 2022
Umapathy.S	... Petitioner in WP(MD). 1002 of 2022
Sathik Batcha .S.M	... Petitioner in WP(MD). 1003 of 2022
Ramesh.P	... Petitioner in WP(MD). 1004 of 2022
Kanagaraj Pandian .R	... Petitioner in WP(MD). 1005 of 2022
S.Satheesh	... Petitioner in WP(MD). 1006 of 2022
M.Naveenraja	... Petitioner in WP(MD). 1007 of 2022
Selvi.S	... Petitioner in WP(MD). 1008 of 2022
S.Sivamurugan	... Petitioner in WP(MD). 1009 of 2022
G.Muniraj	... Petitioner in WP(MD). 1010 of 2022
P.Thangavelu	... Petitioner in WP(MD). 1011 of 2022

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Principal Secretary to Government (School Education),
Fort St.George,
Chennai - 9.
- 2.The Commissioner of School Education,
DPI Campus,
College Road,
Nungampakkam,
Chennai -6.
- 3.The Joint Director (Personal),
Department of School Education,
DPI Campus, College Road,
Nungampakkam,
Chennai - 6. ... Respondents 1 to 3 in all WPs



4.The Additional Chief Educational Officer,
Dindigul,
Dindigul District.

5.The Chief Educational Officer,
Karur, Karur District. ...Respondents in WP(MD).997 of 2022

4. The Chief Educational Officer Madurai, Madurai District.

5. The Chief Educational Officer, Sivagangai, Sivagangai District.
... Respondents in WP(MD). 998 of 2022

4. The Additional Chief Educational Officer,,
Dindigul, Dindigul District
... Respondents in WP(MD). 999 of 2022

4. The Additional Chief Educational Officer,,
Dindigul, Dindigul District
5. The Chief Educational Officer, Sivagangai,
Sivagangai District.
... Respondents in WP(MD). 1000 of 2022

4. The Additional Chief Educational Officer,
Dindigul, Dindigul District
... Respondents in WP(MD). 1001 of 2022

4. The Additional Chief Educational Officer,
Dindigul, Dindigul District
5. The Chief Educational Officer Trichirapalli,
Trichirapalli District
... Respondents in WP(MD). 1002 of 2022

4. The Additional Chief Educational Officer,,
Dindigul, Dindigul District
5. The Chief Educational Officer,, Karur, Karur District
... Respondents in WP(MD). 1003 of 2022

4. The Chief Educational Officer, Madurai, Madurai District
5. The Chief Educational Officer Dindigul, Dindigul District
... Respondents in WP(MD). 1004 of 2022

4. The Additional Chief Educational Officer,
Dindigul, Dindigul District
5. The Chief Educational Officer, Karur, Karur District
... Respondent(s) in WP(MD). 1005 of 2022

4. The Additional Chief Educational Officer,
Sivagangai Sivagangai District



5. The Chief Educational Officer,
Thanjavur Thanjavur District

... Respondents in WP(MD). 1006 of 2022

4. The Additional Chief Educational Officer,
Dindigul, Dindigul District

... Respondents in WP(MD). 1007 of 2022

4. The Chief Educational Officer, Madurai, Madurai District

5. The Chief Educational Officer Tuticorin, Tuticorin District

... Respondents in WP(MD). 1008 of 2022

4. The Additional Chief Educational Officer,
Dindigul, Dindigul District

5. The Chief Educational Officer, Tanjore Tanjore District

... Respondents in WP(MD). 1009 of 2022

4. The Chief Educational Officer,
Virudhunagar, Virudhunagar District

5. The Chief Educational Officer, Tanjore Tanjore District

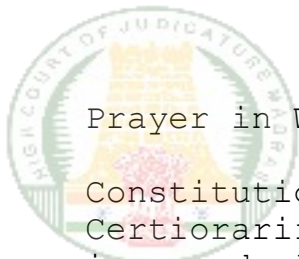
... Respondent(s) in WP(MD). 1010 of 2022

4. The Chief Educational Officer Virudhunagar Virudhunagar District

5. The Chief Educational Officer, Thanjavur Thanjavur District

... Respondent(s) in WP(MD). 1011 of 2022

Prayer in WP(MD). 997 of 2022 :Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4(1) (அ), (உ), (ஊ), (ஏ) and clause 4 (III) (ix) of G.O.(1d) No.134, School Education (Pa.Ka.5), (1) Department, dated 18.08.2021, of the first respondent herein, the impugned seniority list dated 18.10.2021 of the third respondent, and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the third respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021, dated 20.10.2021 of the third respondent herein and impugned relieving order in Na.Ka.No.1375/A/2021, dated 21.10.2021 of the fourth respondent herein and quash the same and consequently direct the respondents herein to prepare a draft seniority list on the basis of date of appointment and date of birth seniority by giving sufficient time to the petitioner to submit objections if any and thereafter issue final seniority list and conduct counselling for the BRTEs for the entire sanctioned 6230 BRTEs posts as per G.O.(Ms) No.100, School Education (SSA2) Department, dated 16.05.2018 or to accommodate the petitioner in any one of the six vacancies in Athoor Union, Vedasandur Union, Ottanchatram Union, Batlagundu Union in Dindigul District.



Prayer in WP(MD). 998 of 2022 :

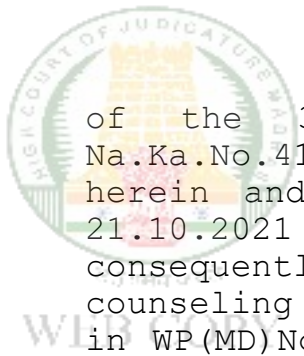
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (அ), (ஆ), (ஏ), and clause 4 (III) (ix) of G.O. (1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 20.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.281/A1/2021 dated 20.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein and quash the same and consequently direct the respondents herein to conduct fresh counseling for the BRTEs by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Sedapatti union, and T.Kallupatti union in Madurai district and Kariyappatti in Virudhunagar District

Prayer in WP(MD). 999 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (அ), (ஆ), (ஏ), and clause 4 (III) (ix) of G.O. (1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 20.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.1375/A/2021 dated 21.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein and quash the same and consequently direct the respondents herein to conduct fresh counseling for the BRTEs by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Natham union, and Vendasandur union in Dindigul district and Madathukulam in Tirupur District.

Prayer in WP(MD). 1000 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (அ), (ஆ), (ஏ), and clause 4 (III) (ix) of G.O. (1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential



of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 20.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.1375/A/2021 dated 21.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein to conduct fresh counseling for the BRTes by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'BLE Court or to accommodate the petitioner in any one of the vacancies in Batlagundu union, Natham union, Sanarpatti union, Vadamadurai and Vedasandur union.

Prayer in WP(MD). 1001 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (ஆ), (ஊ), (ஏ), and clause 4 (III) (ix) of G.O. (1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 20.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.1375/A/2021 dated 21.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein to conduct fresh counseling for the BRTes by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Gujilliamparai union and Natham union in Dindigul district or any other unions in Dindigul District.

Prayer in WP(MD). 1002 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other Writ or Order Or Direction in the nature of Writ of Certiorarifued Mandamus calling for the records relating to impugned clause 4(1) (ஆ), (ஊ), (ஏ), and clause 4 (III) (ix) of G.O. (1d) No 134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential impugned santioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No 41779/C4/E1/2021 dated 20.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.1375/A/2021 dated 21.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein to conduct fresh counseling for the BRTes by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Natham union, and Vedasandur union in Dindigul district and Madathukulam in Tirupur District.



Prayer in WP(MD). 1003 of 2022 :

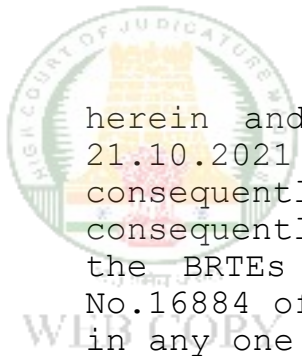
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (ஆ), (ஊ), (ஏ), and clause 4 (III) (ix) of G.O. (1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 20.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.1375/A/2021 dated 21.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein to conduct fresh counseling for the BRTEs by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Batlagundu union, Natham union, Sanarpatti union, Vadamadurai and Vedasandur union.

Prayer in WP(MD). 1004 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (ஆ), (ஊ), (ஏ), and clause 4 (III) (ix) of G.O. (1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 20.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.281/A/2021 dated 20.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents to conduct fresh counseling for the BRTEs by implementing the order dated 24.11.2021 in WP(MD) No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Alanganallur union, Tirumangalam union, and Kottampatti union in Madurai district or any other unions in Dindigul District.

Prayer in WP(MD). 1005 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (ஆ), (ஊ), (ஏ), and clause 4 (III) (ix) of G.O. (1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 20.10.2021 of the 3rd respondent



herein and impugned reliving order in Na.Ka.No.1375/A/2021 dated 21.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein and quash the same and consequently direct the respondents to conduct fresh counseling for the BRTes by implementing the order dated 24.11.2021 in WP(MD) No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Natham union and Vendasandur union, in Dindigul District.

Prayer in WP(MD). 1006 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (ஆ), (஁), (ஐ), and clause 4 (III) (ix) of G.O. (1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 19.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.1625/A/OPaKa/2021 dated 20.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein to conduct fresh counseling for the BRTes by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Sedapatti union in Madurai District.

Prayer in WP(MD). 1007 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-3 To issue a Writ of Certiorarified Mandamus or any other Writ or Order Or Direction in the nature of Writ of Certiorarified Mandamus calling for the records relating to impugned clause 4(1) (Aa), (Vu), (Aey) and clause 4 (III) (ix) of G.O. (1d) No 134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No 41779/C4/E1/2021 dated 20.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.1375/A/2021 dated 21.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein to conduct fresh counseling BRTes by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Natham union, and Vendasandur union in Dindigul district and Madathukulam in Tirupur District.



Prayer in WP(MD). 1008 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other Writ or Order or Direction in the nature of Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (ஆ), (ஊ), (ஏ), and clause 4 (III) (ix), and clause 4 (III) (x) in so far as insisting condition with regard to spouse should work 30 km distance alone of G.O.(1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein, the impugned seniority list dated 18.10.2021 of the 3rd respondent, and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 21.10.2021 of the 3rd respondent herein, and the impugned order of the 4th respondent in Na.Ka.No.281/A1/2021 dated 21.10.2021 and quash the same consequently direct the respondents herein to conduct fresh counseling for the BRTes by implementing by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any other unions in Madurai District.

Prayer in WP(MD). 1009 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (ஆ), (ஊ), (ஏ), and clause 4 (III) (X) in so far as insisting condition with regard to spouse should work above 30 km distance alone of G.O.(1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein the impugned seniority list dated 18.10.2021 of the 3rd respondent and the consequential impugned sanctioned vacancy list published in oline on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 21.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.1375/A/2021 dated 21.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein to conduct fresh counseling BRTes by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Natham union, and Vendasandur union in Dindigul district and S.Pudur , Sivagangai District and Madathukulam in Tirupur District.

Prayer in WP(MD). 1010 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (ஆ), (ஊ), (ஏ), and clause 4 (III) (ix) in so far as insisting condition with regard to spouse should work above 30 km distance alone of G.O.1(d) No.134 School Education (Pa.Ka.5) Department dated 18.8.2021 of the 1st respondent herein the



impugned seniority list dated 18.10.2021 of the 3rd respondent and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 20.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.1158/A2/Opaka/2021 dated 20.10.21 of the 4th respondent herein and quash the same and consequently direct the respondents herein to conduct fresh counseling for the BRTEs by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Kariyapatti union, Virudhunagar District and T.Kallupatti, Sedapatti in union in Madurai district

Prayer in WP(MD). 1011 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4 (1) (அ), (ஆ), (இ), and clause 4 (III) (ix) and cause 4 (III) (X) in so far as insisting condition with regard to spouse should work above 30 km Distance alone of G.O.(1d) No.134 School Education (Pa.Ka.5) (1) Department dated 18.08.2021 of the 1st respondent herein the impugned seniority list dated 18.10.2021 of the 3rd respondent and the consequential impugned sanctioned vacancy list published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.No.41779/C4/E1/2021 dated 19.10.2021 of the 3rd respondent herein and impugned reliving order in Na.Ka.No.1158/A2/Opaka/2021 dated 19.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein to conduct fresh counseling for the BRTEs by implementing the order dated 24.11.2021 in WP(MD)No.16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any one of the vacancies in Vembakottai union, Srivilliputhur Union in Virudhunagar District.

IN ALL CASES

For Petitioners :Mr.T.Pon Ramkumar

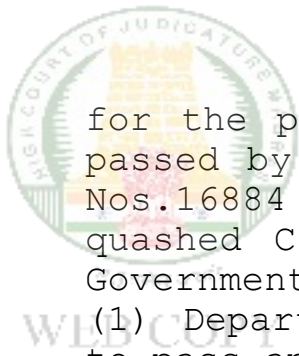
For Respondents :Mr.S.Saji Bino,

Special Government Pleader

C O M M O N O R D E R

These writ petitions are filed by the petitioners / Block Resource Teacher Educators (BRTEs), mainly challenging Clause 4(1) (அ), (ஆ), (இ), (ஏ) and clause 4 (III) (ix) of G.O. (1d) No.134, School Education (Pa.Ka.5), (1) Department, dated 18.08.2021.

2.Though these writ petitions are filed challenging several clauses of G.O.(1d) No.134, School Education (Pa.Ka.5), (1) Department, dated 18.08.2021, the learned counsel appearing



for the petitioners confined his relief to the orders already passed by this Court in a batch of writ petitions in W.P.(MD) Nos.16884 of 2021 etc.,dated, 24.11.2021, wherein, this Court, quashed Clause 4(1)(g) and Clause 4(III)(ix) of the impugned Government Order in G.O.(1D)No.134, School Education (Pa.Ka.5) (1) Department, dated 18.08.2021 and directed the respondents to pass appropriate posting orders.

3.In view of the earlier order passed by this Court in a batch of writ petitions in W.P.(MD)Nos.16884 of 2021 etc.,dated 24.11.2021, no further order is required in these writ petitions. The relevant portion from the above order is extracted as under:-

"34.In case of surplus Teachers among the BT Assistants, the respondents are following the principle of 'last come first go'. There is a Government Order in G.O.(1D)No.217, School Education Department, dated 20.06.2019, to the effect that on deployment due to surplus, the junior-most has to be deployed as per the seniority. This is what happened in the present case. During the year 2014-15, the Department has identified 395 BRTEs as surplus in certain Districts and deployed the junior-most BRTEs to other Districts. Of this 395 BRTEs, 362 BRTEs are in service and by the impugned Government Order, they are now sought to be given preference. If the Department intends to give some concession to these 362 BRTEs, they can accommodate them as BT Assistants, like that of the 500 senior-most BRTEs who are now transferred as BT Assistants as per Clause 4(1)(m) of the impugned Government Order, since as per the adhoc rules framed vide G.O.(Ms)No.52, School Education (C2) Department, dated 30.03.2006, the posts of BRTE and BT Assistant are inter-changeable. Instead, they are cited as a priority category, which is clearly a discrimination among the BRTEs and this classification based on service condition is not a reasonable one. Therefore, this Court is inclined to quash the impugned Government Order insofar as Clause 4(1)(V) and Clause 4(III)(ix) is concerned, inasmuch as giving priority to a set of BRTEs.

35.Accordingly, Clause 4(1)(V) and Clause 4

(III)(ix) of the impugned Government Order in



G.O.(1D)No.134, School Education (Pa.Ka.5)(1) Department, dated 18.08.2021, inasmuch as giving priority to a set of BRTes, are quashed.

36.It appears that this Court, while entertaining the writ petitions on 08.10.2021, has passed the following interim order:-

"14. ...

(i) The writ petitioners shall participate in the ensuing general transfer counselling for this academic year and without prejudice to their rights, they can exercise their option for the transferring place.

(ii) If any of the deployed BRT Educators opts for the same place, under Clause 4(1)(V) and (III)(ix) of the said Government Order, the posting orders shall be kept in abeyance insofar as the particular place is concerned (emphasis supplied). ..."

Since this Court has now quashed Clause 4(1)(V) and Clause 4(III)(ix) of the impugned Government Order in G.O.(1D)No.134, School Education (Pa.Ka.5)(1) Department, dated 18.08.2021, the respondents shall pass appropriate posting orders.

In the result, these writ petitions stand partly allowed. There shall be no order as to costs. Consequently, all the connected miscellaneous petitions shall stand closed."

4.Accordingly, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn



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 Government of Tamil Nadu,
Rep by its Principal Secretary to Government
(School Education),
Fort St.George,
Chennai - 9.
- 2.The Commissioner of School Education,
DPI Campus,
College Road,
Nungampakkam,
Chennai -6.
- 3.The Joint Director (Personal),
Department of School Education,
DPI Campus, College Road,
Nungampakkam,
Chennai - 6.
- 4.The Additional Chief Educational Officer,
Dindigul,
Dindigul District.
- 5.The Chief Educational Officer,
Karur, Karur District.
- 6.The Chief Educational Officer, Madurai, Madurai District.
- 7.The Chief Educational Officer,
Sivagangai, Sivagangai District.
- 8.The Chief Educational Officer,
Trichirappalli, Trichirappalli District.
- 9.The Chief Educational Officer,
Thanjavur, Thanjavur District.



10.The Chief Educational Officer,
Tuticorin, Tuticorin District.

11.The Chief Educational Officer,
Virudhunagar, Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-2591 & 2596[F] dated 27/01/2022)

+15 CC to M/s.T.PON RAMKUMAR, Advocate (SR-2218[F] dated
24/01/2022)

Common Order made in
W.P(MD) Nos.997 to 1011 of 2022
and

WMP (MD) Nos.821,822,823,824,827,828,830,833,835,
837,825,832,829,826,859,857,836,840,819,820,845,846,863,866,831
, 834,843,842,849 & 847 of 2022
24.01.2022

srr(CO)
TR(22.03.2022) 13P 28C