



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.1888 of 2022

and

W.M.P. (MD) Nos. 1625 and 1626 of 2022

A.Raja Rahim,
Block Resource Teacher Educator,
Block Resource Center,
Kamuthi, Ramanathapuram District.

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Represented by its Principal Secretary to
Government, (School Education),
Fort St.George, Chennai - 600 009.

2. The Commissioner of School Education,
DPI Campus,
College Road, Nungampakkam,
Chennai - 600 006.

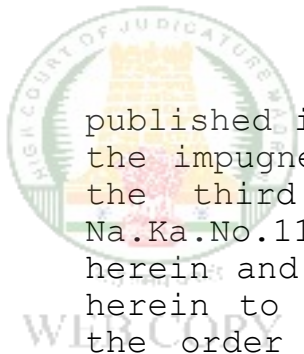
3. The Joint Director (Personal),
Department of School Education,
DPI Campus, College Road, Numgampakkam,
Chennai - 600 006.

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

5. The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition 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), (அ), (ஏ) and Clause 4(III)(ix) of G.O.Ms.(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.1158/A2/2021 dated 20.10.2021 of the fourth respondent herein and quash the same and consequently, direct the respondents herein to conduct fresh counselling for the BRTes by implementing the order dated 24.11.2021 in W.P. (MD) No. 16884 of 2021 this Hon'ble Court or to accommodate the petitioner in any of the vacancies in Watrap Union, Vembakottai Union, Sriviliputhur Union in Virudhunagar District and Pudur Union, Tuticorin District.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The Writ Petition is filed by the petitioner / Block Resource Teacher Educator (BRTE), mainly challenging 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.

2. Though the writ petition is 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 petitioner 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) (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 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 this Writ Petition. 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, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Principal Secretary to
Government, (School Education),
The Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
2. The Commissioner of School Education,
DPI Campus, College Road, Nungampakkam,
Chennai - 600 006.
3. The Joint Director (Personal),
Department of School Education,
DPI Campus, College Road, Numgampakkam,
Chennai - 600 006.
4. The Chief Educational Officer,
Virudhunagar, Virudhunagar District.
5. The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.T.PON RAMKUMAR, Advocate (SR-3317[F] dated 01/02/2022)
+1 CC to M/s.SPLGP (SR-3644[F] dated 02/02/2022)

W.P (MD) No.1888 of 2022 and
W.M.P. (MD) Nos. 1625 and 1626 of 2022
01.02.2022

vji

MS/23.03.2022/4P.8C