



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.5346 of 2020

and WMP (MD) Nos.4631 and 4632 of 2020

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D.Feliciya

... Petitioner

Vs.

1.The Secretary

State Government of Tamil Nadu
Department of School Education,
Secretariat, Fort St. George
Chennai.

2.The Director of Elementary Education,
Directorate of Elementary Education,
College Road, Chennai.

3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Trichy, Trichy District.

4.The District Educational Officer
O/o. the District Educational Officer,
Lalgudi Educational District,
Lalgudi, Trichy District.

5.The Block Educational Officer
O/o. the Block Educational Officer,
Lalgudi, Trichy District.

6.P.Thenmozhi

7.M.Kalavathi

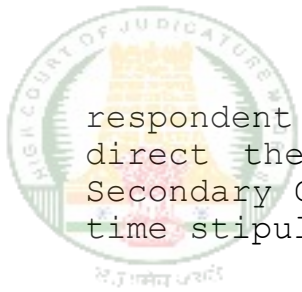
8.M.Bagya lakshmi

9.M.Vijayaragavan

... Respondents

Prayer

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records pertaining to the impugned relieving order in Na.Ka.No.1452/A1/2019, dated 10.9.2019 on the file of the respondent No.5 and the consequential impugned transfer and posting order in Na.Ka.No.1542/B2/2019 dated 20.11.2019 on the file of the respondent No.4, issued to the respondent No.6, and the consequential impugned transfer and posting orders in Na.Ka.No.9588/A2/Ee3/2018 dated 20.11.2019 on the file of the respondent No.3 issued to the



respondent No.7-9 and quash the same as illegal and consequently to direct the respondents No.2 to 4 to post the petitioner as the Secondary Grade Teacher in Lalgudi Block, Trichy District within the time stipulated by this court.

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For Petitioner : Mr.S.Louis
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner is working as Secondary Grade Teacher. She was transferred to Lalgudi block to Marungapuri Block, Trichy District. The petitioner was deployed on account of the fact that she was a surplus teacher.

2. The learned counsel for the petitioner made a submission that in the order of deployment of the petitioner from Lalgudi Block to Marungapuri Block, it is categorically stated that whenever a vacancy arise in Lalgudi Block, then the petitioner will be retained in the same block by passing another order of deployment. However, at the time of arising of vacancy, the said vacancies were filled up through the respondents 6 to 9 and therefore, the petitioner is constrained to file the present writ petition.

3. It is contended that when the order of deployment states that when a vacancy arose, the petitioner was considered for redeployment. However, the said condition has not been complied with.

4. The learned Additional Government Pleader relying on the counter affidavit filed by the District Educational Officer made a submission that surplus teacher over and above the need and who could not be deployed within the Union should be transferred to other unions. It is also specified that the date of joining in the school will be the basis for determining the teacher for such deployment. It is made clear that the teacher so deployed to other union will retain their seniority in the parent union and they will be re-transferred to the parent union, as and when such vacancies arise in the parent union. According to the seniority determined at the time of deployment, the petitioner was found surplus in the Panchayat Union Middle School, Lalgudi as per the norms prescribed in G.O.No.217 School Education (Pa.Ka.5(1) department dated 20.06.2019 para 4 1(ii) and also the petitioner happened to be the station junior in that school, accordingly, the petitioner was deployed and transferred to the panchayat Union Primary School, Thenur, Marungapuri Block, Trichy District by an order dated 30.08.2019 passed by the Chief Educational Officer, Trichy. Along with the petitioner, 16 Teachers, who were found surplus, were deployed and transferred to other unions along with their posts by the 3rd respondent. Challenging the order of deployment and



transfer, the petitioner filed W.P.(MD) No.22362 of 2019 and the said writ petition was disposed of as infructuous on 21.03.2022.

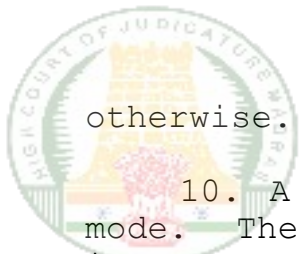
5. The petitioner filed the present writ petition to re-transfer her to Lalgudi Union assuming that there are vacancies. Regarding the steps taken, it is contended that the seniority of the petitioner will be retained in the parent union itself and there is no loss of seniority or any other emoluments. It is contended that the service conditions of the petitioner are not violated.

6. The respondents 6 to 9 have been transferred on priority basis mentioned in the transfer order itself. The respondent No.6 on priority No.10 Widows, Respondent No.7 on priority basis No.13 completed 5 years of services, respondent No.8 on priority No.12 spouse employed in Government, and respondent No.9 on priority No.13, completing 5 years of service. It is pertinent to state that the petitioner was just transferred on deployment basis in the month of August and cannot claim such priority. The applications of respondents 6 to 9 were in process already and hence, orders were issued to them.

7. This Court is of the considered opinion that no doubt in the order of deployment of the writ petitioner to the other Union, it is stated that in the event of arising of vacancy, she will be considered for redeployment. However, such condition cannot be claimed as an absolute right. It is subject to other administrative exigencies and subject to the seniority of other teachers, who are all waiting for such redeployment as per their seniority. Posts are surplus and never be claimed as a right. It is made clear by the respondents that the service conditions of the petitioner is not violated, her seniority is maintained in the parent unit. Therefore, the deployment is made on the ground of administrative exigencies and such administrative exigencies cannot provide a right to an employee to seek redeployment in the same place. The only right of the Government employee is regarding the protection of the service conditions and certain administrative action cannot be questioned by the Teachers, which are all made on account of certain administrative grounds, reasons or on account of policy decisions.

8. Regarding the deployment, redeployment and transfers, the employees have no absolute right. Treating an employee as service deployment, redeployment are the administrative prerogative of the authorities made for the efficacious and efficient administration and to utilise the services of the public servant in the manner known to law.

9. Only if the service conditions are violated, then alone the employee can approach the Court of law. By relaxing the seniority, emoluments of service conditions are not violated, then only writ petition needs to be entertained and the



otherwise.

10. A trend of agitating for the place of work is in growing mode. The Government servants are all along fighting and involving in corrupt activities for the purpose of getting transfer and postings. Deployments are to be made on administrative grounds. Administrative exigencies are the reasons for such deployment and redeployment. Therefore, the employees are expected to serve wherever they are posted, so long as their services are protected and unaltered. This being the principles to be followed, the reasons stated in the counter affidavit by the respondents are candid and convincing and there is no reason to interfere with the orders and accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Writs)

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Sub Assistant Registrar(CS)

RR

To

1.The Secretary

State Government of Tamil Nadu
Department of School Education,
Secretariat, Fort St. George
Chennai.

2.The Director of Elementary Education,
Directorate of Elementary Education,
College Road, Chennai.

3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Trichy, Trichy District.

4.The District Educational Officer
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5.The Block Educational Officer
O/o. the Block Educational Officer,
Lalgudi, Trichy District.



W.P.(MD)No.5346 of 2020

+1 CC to M/s.SPL GP (SR-14330[F] dated 24/03/2022)

W.P. (MD)No.5346 of 2020
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KB(28.04.2022) 5P 7C

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