



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD)No.5582 of 2020

N.Pathirakali

... Petitioner

Vs

1.The Principal Secretary to the Government,
School Education Department,
Fort Saint George,
Chennai - 9.

2.The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Tuticorin District.

4.The District Educational Officer,
Office of the District Educational Officer,
Tiruchendur, Tuticorin District.

5.C.Meenaksi

6.Chitra Suseela

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing the respondent No.3 and 4 to initiate action against respondent No.5 for transferring respondent No.6 to the post of Secondary Grade Teacher at Panchayat Union Primary School, Melakadamba, Alwarthirunagari Union, Tuticorin District in violation of the guidelines issued by this Court in W.P(MD)No.23772 of 2018, dated 13.03.2019 and to cancel the transfer order within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.S.Saji Bino,
Nos.1 and 4 Special Government Pleader



ORDER

This writ petition has been filed for a direction to initiate action against the fifth respondent, for having posted the sixth respondent in the petitioner's place illegally.

2.The learned Counsel for the petitioner submits that the petitioner, who was working as a Secondary Grade Teacher in Panchayat Union Primary School, Melakadamba, Alwarthirungari Union, was transferred to the Panchayat Union Primary School, Peikulam, Alwarthirunagari Union, on 30.08.2019 on the ground of surplus Teacher stating that the students strength has reduced and she was relieved from there on 10.09.2019 and on the very same day the sixth respondent was posted in the petitioner's place by way of transfer from another school.

3.The respondents filed a counter affidavit stating that the sixth respondent is more efficient than the petitioner and the villagers have made a request to the authority concerned that if the sixth respondent is posted in the particular place, they would admit their wards in the said school and therefore, the sixth respondent was posted in the Panchayat Union Primary School, Melakadamba, Alwarthirungari Union.

4.The respondent Nos.5 and 6 are yet to be served.

5.The grievance of the petitioner is that when the petitioner has been transferred from a particular place by treating her surplus, posting the sixth respondent in the said place itself is illegal.

6.The stand of the officials respondents taken in their counter affidavit is not acceptable and it is without any basis. It is not known when the petitioner has been treated as surplus in view of the reduction of students strength, how another person is posted in the said place, that too on the very same day. Since the private respondents are not served, the petitioner has confined the prayer for a direction to the third respondent, the Chief Educational Officer, Tuiticorin district to conduct an enquiry in this issue.

7.It is seen from the transfer order of the petitioner that when a post becomes surplus, it has to be surrendered to the Director of School Education. However, according to the petitioner, instead of surrendering the said surplus post, another person has been posted in the said place.

8.In the light of the above, third respondent the Chief Educational Officer, Tuiticorin district is directed to look into the issue, conduct an enquiry and take appropriate action in



accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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 the Government,
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Chennai - 9.
- 2.The Director of School Education,
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College Road,
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Tuticorin District.
- 4.The District Educational Officer,
Office of the District Educational Officer,
Tiruchendur,
Tuticorin District.

+1 CC to M/s.SPL.GP (SR-2406[F] dated 25/01/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-2275[F] dated 25/01/2022)

**W.P (MD) No. 5582 of 2020
24.01.2022**

RK(01/03/2022) 3P 7C