



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.15348 of 2019

and

W.M.P.(MD) No.11924 of 2019

Hindu Nadar Primary School,
Rep., by its Secretary,
D.Ayyasamy

... Petitioner

Vs.

1.The District Educational Officer,
Thoothukudi District, Thoothukudi.

2.The Block Educational Officer,
Kovilpatti, Thoothukudi District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned proceedings issued by 1st respondent in Na.Ka.No.5968/A1/2018 dated 10.06.2019 insofar as the order relating to transfer and posting of secondary grade teacher namely Bharath in Sl.No.5 of the petitioner school and the consequent impugned order passed by the 2nd respondent in Na.Ka.No.302/A1/2019 dated 14.06.2019 and quash the same.

For Petitioner : Mr.M.Karuppasamy
for Mr.F.Deepak (Given change of vakalat)

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

O R D E R

The order impugned, dated 10.06.2019, which is a transfer order posting a teacher from the petitioner's school to another school as surplus, is under challenge in the present writ petition.

2.The petitioner is a school established in the year 1960 as a Primary School and it is a Government Aided School. While conducting inspection by the competent Educational Authorities, surplus teacher was identified in the petitioner school and the



surplus teacher was transferred to the other school where the vacancy exist.

3. Aided schools are not entitled to keep the surplus teachers in their school. Salary to the teachers are paid by the Government from the tax payers' money. Therefore, the services of all the teachers are to be utilized for the benefit of imparting education to the children. Contrarily, no teacher can be kept as surplus for a longer time, which would affect the state exchequer. Government also took a policy decision to transfer the surplus teachers and to accommodate those teachers in the vacant post so as to utilize the services of those teachers in a logical manner and to provide better education to the children studying in various schools. Declaring a teacher as a surplus is an administrative action taken by the competent authorities of the Education Department during inspection. Once the teachers are declared as surplus for want of students in a particular school, then those surplus teachers are to be accommodated in other schools where the vacancies are available. These being the administrative action done by the competent authority, the transfer order impugned cannot be assailed by the petitioner merely on the ground that the teacher is working in a particular school or the school is losing the benefit of the post.

4. If at all the schools gained students strength thereafter, they are at liberty to approach the competent authority for the purpose of having sanctioned strength of teachers in accordance with the Government policy. These being the rights of the school administration, the administrative action taken to accommodate the surplus teachers cannot be found fault with and therefore, the impugned order is not infirm and is in consonance with the policy of the Government in force.

5. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

abr

To

1. The District Educational Officer,
Thoothukudi District, Thoothukudi.



2.The Block Educational Officer,
Kovilpatti, Thoothukudi District.

+1 CC to M/s.F.DEEPAK, Advocate (SR-4661[F] dated 08/02/2022)

+1 CC to M/s.SPL GP (SR-4801[F] dated 08/02/2022)

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MGJ(18.02.2022) 3P 5C