



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.19437, 20705, 23148, 23149 and
20974 to 20978 of 2021

and

WMP(MD) Nos.16155, 16157, 17312, 17314, 17570,
17571, 17572, 17573, 17574, 17575, 17576, 17579,
17580, 17582, 19590, 19591, 19592

and

19594 of 2021

In WP(MD) .No. 19437 of 2021

P.Vanithamalar

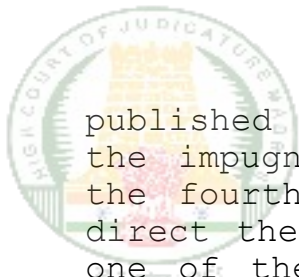
Petitioner

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.
- 4.The Chief Educational Officer,
Sivagangai, Sivagangai District.
- 5.The Chief Educational Officer,
Tuticorin, Tuticorin district.

Respondents

PRAYER: 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) (ஈ) 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 and the consequential impugned social science vacancy list



published in online on 20.10.2021 of the 3rd respondent herein and the impugned order in Na.Ka.41779/C4/E1/2021, dated 20.10.2021 of the fourth respondent herein and quash the same and consequently direct the respondents herein to accommodate the petitioner in any one of the vacancies in Block Resource Centre in Ponnamaravathy, Pudukottai district or Block Resource Centre in Viralimalai, Trichy district or Block Resource Centre in Vaiyampaati, Trichy District or Block Resource Centre in Musiri, Trichy District or any other places in Madurai district.

S.Manichandran	...	Petitioner in WP(MD)No.20705 of 2021
S.Vasantha	...	Petitioner in WP(MD)No.23148 of 2021
S.Ezhilarasi	...	Petitioner in WP(MD)No.23149 of 2021
M.Vijayakumar	...	Petitioner in WP(MD)No.20974 of 2021
S.Breez Santhayammal	...	Petitioner in WP(MD)No.20975 of 2021
P.Senthilnathan	...	Petitioner in WP(MD)No.20976 of 2021
K.Muraligokulakrishnan	...	Petitioner in WP(MD)No.20977 of 2021
T.Regunath	...	Petitioner in WP(MD)No.20978 of 2021

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.

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

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

... Respondents in WP(MD)No.20705 of 2021

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 Chief Educational Officer,
Dindigul, Dindigul District.

... Respondents in WP(MD)No.23148, 23149 of 2021

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 Chief Educational Officer,
Theni, Theni District.

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

... Respondents in WP(MD)No.20974 of 2021

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 Chief Educational Officer,
Theni, Theni District.

... Respondents in WP(MD)No.20975 of 2021

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 Chief Educationa Officer,
Theni, Theni District.

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

... Respondents in WP(MD)No.20976 of 2021

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary
to Government,
(School Education),
Fort St. George, Chennai-9.

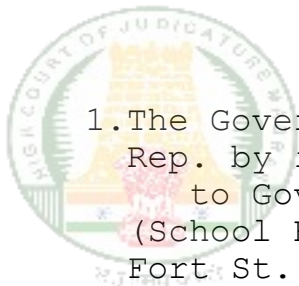
2.The Commissioner of School Education,
DPI Campus,
College Road, Nungampakkam,
Chennai-6.

3.The Joint Director (Personal),
Department of School Education,
DPI Campus, College Road,
Nungampakkam, Chennai-6.

4.The Chief Educationa Officer,
Theni, Theni District.

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

... Respondents in WP(MD)No.20977 of 2021



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.

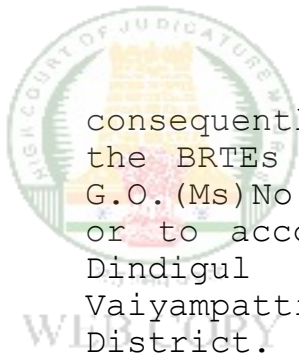
4.The Chief Educationa Officer,
Theni, Theni District.

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

... Respondents in WP(MD)No.20978 of 2021

Prayer in WP(MD)No.20705 of 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned Clause 4(1) (Aa) (Vu), (Voo), (Yei) 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 and the consequential impugned social science 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.16 dated 21.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondents herein to accommodate the petitioner in Aundipatti Block or Bodinayakanoor Block or Chinnamanoor bLock or Uthampalayam Block in Theni District or any other places in Theni District.

Prayer in WP(MD)No.23148/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4(1)(Aa), (Vu), (Voo), (Ye) 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, 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 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 conduct coounseling for the BRTes for the entire sanctioned 6,230 BRTes posts as per the G.O.(Ms)No.100 School Education (SSA2) Department dated 16.05.2018 or to accommodate the petitioner in any one of the vacancies in Dindigul urban union, Natham union in Dindigul District or Vaiyampatti union in Trichy District or any other unions in Dindigul District.

Prayer in WP(MD). 23149/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-3. To issue a writ of Certiorarified Mandamus, calling for the records relating to impugned clause 4(1)(Aa), (Vu), (Voo), (Ye) 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 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 prepare a draft seniority list on the basis of date of appointment and date of birth seniority by giving sufficient time to petitioner to submit objections if any and thereafter issue final seniority list and conduct counseling for the BRTes for the entire sanctioned 6,230 BRTes posts as per the G.O.(Ms)No.100 School Education (SSA2) Department dated 16.05.2018 or to accommodate the petitioner in any one of the vacancies in Athoor union, Vendasandur union, Othanchatram union, Batlagundu union in Dindigul District.

Prayer in WP(MD)No.20974 of 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-11. To issue a Writ of Certiorarified Mandamus calling for the records relating to impugned clause 4(1) (Aa), (Vu), (Voo), (Yei), 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.995/A1/O.Pa.Ka/2021 dated 21.10.2021 of the 4th respondent herein and quash the same and consequently direct the respondent herein to prepare a draft seniority list on the basis of date of appointment and date of birth seniority by giving sufficient time to petitioner to submit objections if any and thereafter issue final seniority list and conduct counseling for the BRTes for the entire sanctioned 6,230 BRTes posts as per the G.O.(Ms)No.100 School Education (SSA2) Department dated 16.05.2018 or to accommodate the petitioner in any one of the vacancies in Block Resource Center in

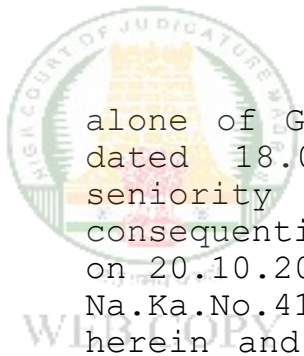


Theni District.

Prayer in WP(MD)No.20975/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-11. To issue a Writ of Certiorarified Mandamus calling for the records relating to impugned clause 4(1) (Aa), (Vu), (Voo), (Yei), 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 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.995/ A1 OoPaKa / 2021 dated 20/10/2021 of the 4th 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 petitioner to submit objections if any and thereafter issue final seniority list and conduct counseling for the BRTEs for the entire sanctioned 6,230 BRTEs posts as per the G.O.(Ms)No.100 School Education (SSA2) Department dated 16.05.2018 or to accommodate the petitioner in any one of the vacancies in Block Resource Center in Theni District.

Prayer in WP(MD)No.20976/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-11. To issue a Writ of Certiorarified Mandamus calling for the records relating to impugned clause 4(1) (Aa), (Vu), (Voo), (Yei), and clause 4 (III) (x) in so far as insisting condition with regard to spouse should work above 30 km distance 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.328 dated 21.10.2021 of the 4th 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 petitioner to submit objections if any and thereafter issue final seniority list and conduct counseling for the BRTEs for the entire sanctioned 6,230 BRTEs posts as per the G.O.(Ms)No.100 School Education (SSA2) Department dated 16.05.2018 or to accommodate the petitioner in any one of the vacancies in Block Resource Center in Theni District.

Prayer in WP(MD). 20977/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-11. To issue a Writ of Certiorarified Mandamus calling for the records relating to impugned clause 4(1) (Aa), (Vu), (Voo), (Yei), and clause 4 (III) (ix), 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 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.995/A1 O.Pa.Ka/2021 dated 20.10.2021 or the 4th 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 petitioner to submit objections if any and thereafter issue final seniority list and conduct counseling for the BRTes for the entire sanctioned 6,230 BRTes posts as per the G.O.(Ms)No.100 School Education (SSA2) Department dated 16.05.2018 or to accommodate the petitioner in any one of the vacancies in Block Resource Center in Theni District.

Prayer in WP(MD). 20978/ 2021 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-11. To issue a Writ of Certiorarified Mandamus calling for the records relating to impugned clause 4(1) (Aa), (Vu), (Voo), (Yei), and clause 4 (III) (ix), 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 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.995/A1/O.Pa.Ka/2021 dated 20.10.2021 or the 4th 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 petitioner to submit objections if any and thereafter issue final seniority list and conduct counseling for the BRTes for the entire sanctioned 6,230 BRTes posts as per the G.O.(Ms)No.100 School Education (SSA2) Department dated 16.05.2018 or to accommodate the petitioner in any one of the vacancies in Block Resource Center in Theni District.

For Petitioner	:Mr.T.Pon Ramkumar
For Respondents	:Mr.Veera Kathiravan, Additional Advocate General, 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) (M), (c), (C), (V) and clause 4 (III) (ix) of G.O.(1d) No.134,

<https://hcservices.ecourts.gov.in/hcservices/>



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 the relief to the extent of 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 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)

<https://hcservices.ecourts.gov.in/hcservices/> 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 on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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),
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 Chief Educational Officer,
Sivagangai, Sivagangai District.

5.The Chief Educational Officer,
Tuiticorin, Tuiticorin district.

6.The Chief Educational Officer,
Theni, Theni District.

7.The Chief Educational Officer,
Madurai, Madurai District.

8.The Chief Educational Officer,
Dindigul, Dindigul District.

+9 CC to M/s.T.PON RAMKUMAR, Advocate (SR-3533[F] dated
02/02/2022)

+1 CC to M/s.SPL.GP (SR-3957[F], 3956, 3691 dated 03/02/2022)

W.P(MD) Nos.19437, 20705, 23148,
23149, 20974 to 20978 of 2021
01.02.2022

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