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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.24476 of 2022

and

WMP(MD)Nos.18551 & 18552 of 2022

M.Anandaramasubramanian

... Petitioner

vs.

1.The Chief Educational Officer,
Education Department,
Thoothukudi.

2.The Head Master,
Government Hr.Sec.School,
Keezhapoovani,
Srivaikundam Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of 1st respondent pertaining to surplus transfer vide Na.Ka.No.6828/Aa2/2022 dated 17.10.2022 and consequent order passed by the 2nd respondent vide Na.Ka.No.122/2022 dated 19.10.2022 and quash the same as illegal and devoid of merits.



For Petitioner

: Mr.Raja Karthikeyan

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For Respondents

: Mr.S.Shaji Bino,
Special Governmen Pleader**ORDER**

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2.The petitioner is working as Secondary Grade Teacher. He has been deputed to work in Government Higher Secondary School, Veppalodai, Thoothukudi District by the impugned order of the Chief Educational Officer, Thoothukudi dated 17.10.2022. The petitioner questioned the same primarily on the ground that a junior secondary grade teacher by name Saravanan has been retained in the Government Higher Secondary School, Mudivaithanendhal and that the petitioner has been unnecessarily targeted. The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. The respondents have filed a detailed counter affidavit and the learned Special Government Pleader took me through its contents.



3.Thiru.Balathandayuthapani, the Chief Educational Officer, Thoothukudi is also present in person and assisted the court. It is seen that in Keezhapoovani, Government Higher Secondary School, there are totally 211 students studying. But as regards the classes 6 to 10, there are 135 students studying. A secondary grade teacher is entitled to teach classes 6 to 8. However, taking into account the total students' strength of classes 6 to 10, the staff fixation has been fixed at 5. Totally eight posts were originally sanctioned. Out of eight, one post has already been surrendered. Out of seven, five B.T Assistants and two secondary grade teachers are available. Since the sanctioned strength is only five and two have been rendered surplus, the two secondary grade teachers have now been deputed. The petitioner being junior among the two secondary grade teachers has been chosen for deputation to work in Government Higher Secondary School, Veppalodai. It is strongly submitted that Veppalodai Government Higher Secondary School is in need of teachers. In order to meet the administrative requirement, the petitioner has been deputed. As regards the averments made against one Saravanan who is working as secondary grade teacher in Mudivaithanendhal Government School, I am of the view that it is not quite relevant to decide the



issue on hand. When a teacher has been rendered surplus in a given school, he has to be dealt with accordingly and reference to the position of the teacher who is working in other school may not really be determinative of the issue. This is more so because the respondents assert that Saravanan has not been rendered surplus. I am satisfied that the impugned order has been passed taking into account the administrative exigencies and the students strength.

4.The writ petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

31.10.2022

Index : Yes / No
Internet : Yes/ No
skm

To

- 1.The Chief Educational Officer,
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G.R.SWAMINATHAN, J.

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