



W.P.No.3830 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.3830 of 2023
&
WMP.No.3899 of 2023

A.Anbazhagan

...Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by its Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-600 006.
- 3.The District Education Officer,
Elementary Education,
Cuddalore.
- 4.The Block Education Officer -III,
Cuddalore Block,
Cuddalore.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in Na.Ka.No.109/B2/2023 dated 02.02.2023 and Na.Ka.No.109/B2/2023 dated 20.01.2023 and to quash the same with consequential direction to the respondents to issue permanent posting in Chellancheri panchromatic Union Middle School, Cuddalore Block or in another School in the Cuddalore Block, within a time frame.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.P.Baladhandayutham, SGP

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner's request for permanent posting in the Chellancheri Panchayat Union Middle School of Cuddalore Block came to be rejected by the third respondent herein through the orders dated 02.02.2023 and 20.01.2023, which are put under challenge in the present Writ Petition.



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3. The learned counsel for the petitioner submitted that the petitioner has been put to serious prejudice owing to repeated transfers from the year 2015 and the same has also affected his seniority and promotion to the next avenue.

4. Per contra, the learned Special Government Pleader placed reliance on the averments made in the counter affidavit and submitted that the petitioner was deputed to the Panchayat Union Middle School in Cuddalore Block, since there was no vacancy and since there was a vacant sanctioned post in Nallur Block, his deputation has been cancelled and he has been posted there and therefore, rejection of the petitioner's request through the impugned order need not be disturbed.

5. A perusal of the records produced before this Court, reveals that the petitioner was originally appointed as Graduate Teacher (Maths) and posted at Panchayat Union Middle School, Thirukovilur and thereafter he was transferred to Panchayat Union Middle School, Azhagianatham and posted as Graduate Assistant



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(Maths). Owing to certain complaints against the petitioner, there was an agitation by the general public, due to which the petitioner was suspended from service and charges were framed against him. Subsequently, he was exonerated from the charges and suspension order was also revoked. At this time, when he was re-posted to the same School, the public once again agitated against him for rejoining the same School. In this background, he was deputed to Vazhisothanaipalayam Panchayat Union Middle School in Cuddalore Block, since there was no other vacancy.

6. It is not in dispute that the Panchayat Union Middle School, Chellanchery in Cuddalore Block, in which the petitioner had worked on deputation, does not have a sanctioned post. Likewise, there was a public grievance that the vacant post in Pa Kothanur, Panchayat Union Middle School in Nallur Block required to be filled up for the benefits of the students. In this background, the respondents had cancelled the deputation order and posted the petitioner to Pa Kothanur, Panchayat Union Middle School in Nallur Block from Cuddalore Block. The petitioner was also relieved on 06.02.2023, with a direction to join as a Graduate Teacher (Maths) in Pa Kothanur, Panchayat Union Middle School in



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Nallur Block. In view of the interim orders of this Court, the petitioner is yet to join in the transferred School.

7. When the Panchayat Union Middle School, Chellanchery in Cuddalore Block where the petitioner had worked on deputation did not have any sanctioned post and also since the petitioner was transferred to the Pa Kothanur, Panchayat Union Middle School in Nallur Block, which had a vacant sanctioned post of Graduate Teacher (Maths), in response to the public grievance for filling up this vacant post, the cancellation of the deputation order and posting the petitioner to the vacant post in the Pa Kothanur, Panchayat Union Middle School in Nallur Block could be termed to be only an "administrative decision". I do not find any justification in the claim of the petitioner to insist to stay in Cuddalore Block where there was no vacancy in the sanctioned post. Thus, the petitioner may not have any right to question such an administrative decision and claim and seek for continuance in the same School, where he was employed or any other School in Cuddalore Block. It is also stated in the counter affidavit filed by the respondents that there was no vacancy in any of the Schools in the sanctioned post in Cuddalore Block. In this background, there



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is no infirmity in the present impugned orders. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

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Index:Yes/No
Order: Speaking/Non-speaking
Neutral Citation :Yes/No

DP



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To

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State of Tamil Nadu
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M.S.RAMESH,J.

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