



WEB COPY



W.P.No.3948 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.3948 of 2022

and

W.M.P.No.4091 of 2022

K.Roja

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road, Egmore,
Chennai – 6.

2.The Chief Educational Officer,
Ranipet District,
Ranipet.

3.The District Educational Officer,
Arakkonam,
Ranipet District.

4.The Block Educational Officer,
Kaveripakkam,
Ranipet District.

5.The Block Educational Officer,
Arakkonam,
Ranipet District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 2 to 5 to conduct counseling in respect of Secondary Grade Teachers as per the proceedings of the 1st respondent in Na.Ka.No.009736/E1/2021, dated 14.02.2022, and to permit the petitioner to participate in the said counseling.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed to direct the respondents 2 to 5 to conduct counseling in respect of Secondary Grade Teachers as per the proceedings of the 1st respondent in Na.Ka.No.009736/E1/2021, dated 14.02.2022, and to permit the petitioner to participate in the said counseling.

2.It is the case of the petitioner that she was originally working as Secondary Grade Teacher in Kaveripakkam till 2019. Thereafter, she was redeployed and posted to the Panchayat Union Middle School,

Marankandigai in the same Block under the 4th respondent. Meanwhile,



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Vellore District was trifurcated into Vellore, Ranipet and Tirupattur Districts. Consequent to the trifurcation of the District, both Kaveripakkam Educational Block and Arakkonam Educational Block fell within the newly formed District of Ranipet. However, due to administrative reasons, the School in which the petitioner was working, i.e., Panchayat Union Middle School, Marankandigai, was transferred to Arakkonam Block under the control of the 5th respondent. Therefore, it is the main grievance of the petitioner that her seniority will be affected.

3.However, it is the contention of the petitioner that, to overcome this situation, as per the proceedings of the 1st respondent dated 14.02.2022, during the counseling, preference is to be given to the teachers who were transferred outside their parent Block due to administrative reasons. Now, it is the grievance of the petitioner that, though the petitioner has every right to participate in the General Counselling for transfer, the petitioner was verbally informed that she would not be entitled to participate in the counseling. Hence, the present writ petition has been filed seeking the relief as stated *supra*.



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4.The respondents have filed a counter affidavit, wherein, it is stated as follows :

“11.It is most humbly submitted that the respondents executed the norms laid down in the G.O.Ms.No.176, School Education (SE5(1)), Department, dated 17.12.2021 and instruction issued in the proceedings of the 1st respondent in Na.Ka.No. 009736/E1/2021, dated 14.02.2022 But, on the other hand the petitioner's claim to direct the respondents to permit the petitioner to participate in the General Transfer Counseling to be held on 25.02.2022 is devoid of merit for the following reasons:

- a) The school in which the petitioner worked-in was transferred to the Kaveripakkam Block to Arakkonam Block on the reason of trifurcation of the then Vellore District on the administrative ground by the State Government of Tamilnadu; the petitioner's seniority is not at all lost as her seniority was kept on the same date. In other words, the seniority of the petitioner is not affected.*
- b) the petitioner was participated in the deployment transfer counseling held on 17.02.2022 and willingly selected to work in the Panchayat Union Middle School, Marankandigai to Panchayat Union Primary School, Mittapet vide 3rd respondent proceedings made in Na.Ka.No.1/A4/2022, dated 17.02.2022.*



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- c) *to participate in the General Transfer Counseling the Petitioner has completed three years mandatory service in the designated priority block at the time of counseling as per norms stated in the Annexure - D of G.O.Ms.No.176, School Education (SE5(1)), Department, dated 17.12.2021 that condition was not satisfied as she was participated in the deployment transfer counseling held on 17.02.2022 and selected to work in the Panchayat Union Primary School, Mittapet.*
- d) *The petitioner is duty bound to approach the appellate authorities with her objections as per G.O.Ms.No.176, School Education(SE5(1)), Department, dated 17.12.2021 but without doing so the petitioner had approached this Hon'ble Court hastily; in other words the petitioner without exhausting remedial measures available within the Department directly approached this Hon'ble Court.”*

5.Heard the learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate, appearing for the respondents 1 to 5.

6.I have perused the entire materials available on record. It is not in dispute that the petitioner has been transferred due to administrative



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reasons and trifurcation of the District has taken place. Since the School in which the petitioner was working was transferred to the jurisdiction of a different District, in order to remedy the situation that arise in respect of seniority of the transferred teachers, the 1st respondent has issued the proceedings in Na.Ka.No.009736/E1/2021, dated 14.02.2022, which, in the view of this Court, has to be strictly followed.

7. Therefore, the respondents are directed to conduct the counselling as per the proceedings of the 1st respondent in Na.Ka.No.009736/E1/2021, dated 14.02.2022, within a period of four months from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order



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N. SATHISH KUMAR, J.
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