



WEB COPY

W.P.No.25270 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.25270 of 2012

G.Selvakumari

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Department of School Education,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 002.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai.
3. The District Elementary Educational Officer,
Vellore District, Vellore.
4. The Assistant Educational Officer,
Katpadi Panchayat Union,
Vellore District.
5. The Assistant Educational Officer,
K.V.Kuppam Panchayat Union,
Vellore District, Vellore.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the service of the petitioner as Secondary Grade Teacher with effect from 26.06.1991 for the purpose of seniority and promotion and grant notional promotion to her to the next higher posts of Head Master, Primary School and Headmaster, Middle School with effect from the date of promotion of her juniors with all monetary and service benefits.

For Petitioner : Mr.Sai Krishnan

For Respondents : Mr. K.Surendran,
Additional Government Pleader

ORDER

The petitioner was initially appointed as Secondary Grade Teacher in Vandavasi Panchayat Union, Tiruvannamalai District on 26.06.1991. Thereafter, on her request, she was transferred to K.V. Kuppam Panchayat Union, Vellore District on 12.08.1998. Thereafter, once again on the request of the petitioner, she was transferred to Jagalapalli Panchayat Union Elementary School in Katpadi Panchayat Union on 28.06.2006.

2. All the above transfers were at the request of the petitioner. Accordingly, she was placed below the approved probationers in the seniority



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list of the concerned Panchayat union. Thereafter, in the year 2010, the State Government issued G.O (Ms) No.231, School Education (C2) Department dated 11.08.2010 for re-deployment of the surplus Teachers from the Schools to the needy Schools. In terms of the said Governmental Order, the petitioner was once again re-deployed to the Panchayat Union Elementary School, Alanganeri in K.V. Kuppam Panchayat Union by the order dated 28.07.2012. On re-deployment, the seniority of the petitioner in Katpadi Panchayat Union was protected, whereas the seniority that was put in by the petitioner in the Vandavasi Panchayat Union was not protected. Under the above circumstances, the petitioner, having felt that the very purpose of seeking transfer to Katpadi Panchayat Union is frustrated because of her re-deployment pursuant to the G.O (Ms) No.231, School Education (C2) Department dated 11.08.2010 claims to have submitted a representation before the respondents requesting for restoring her seniority from the date of her initial appointment on 26.06.1991. Complaining the inaction on the part of the respondents in considering the said representation and not restoring her seniority, the petitioner approached this Court by filing the present Writ Petition.



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3. There is no dispute on factual aspects. The petitioner, on her own violation, opted for her transfer to Katpadi Panchayat Union in the year 1998, but the same was acceded only in the year 2006. But within a short span of about 6 years, the petitioner was disturbed from Katpadi Panchayat Union on re-deployment to K.V Kuppam Panchayat Union. Thus, the very purpose of the petitioner seeking transfer to Katpadi Panchayat Union is undoubtedly frustrated. But the petitioner voluntarily opted to forego her seniority in her parent Panchayat Union and joined in Katpadi Panchayat Union. By virtue of a policy decision taken by the Government by issuing a G.O (Ms) No.231, School Education (C2) Department dated 11.08.2010, the petitioner being the junior most Secondary Grade Teacher in Katpadi Panchayat Union was re-deployed to K.V Kuppam Panchayat Union. The said policy of the Government issued under the G.O (Ms) No.231, School Education (C2) Department dated 11.08.2010 is not challenged in the present Writ Petition. The seniority of the petitioner, as put up by her in the Katpadi Panchayat Union is very much protected for all purposes and there is no dispute about the same.

4. In the absence of any challenge to the policy decision taken by the



Government by issuing G.O (Ms) No.231, School Education (C2) Department dated 11.08.2010, the relief sought for by the petitioner in this Writ Petition cannot be granted.

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5. Further, it is settled law that any employee, who seeks transfer from once unit of appointment to another unit of appointment, the concerned employee has to take the last place in the seniority list of the transferee unit. That is what is done in the instant case. Though, there is hardship caused to the petitioner because of the subsequent policy decision taken by the Government, no relief can be granted to the petitioner, as there is neither violation of the fundamental rights nor any legal right is being violated nor the action of the respondents can be said to be arbitrary or illegal.

6. In such circumstances, the Writ Petition stands dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, shall stand closed.

06.12.2023

skr



Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

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