



W.P.No.8307 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.8307 of 2019
and
W.M.P.Nos.8850 & 8852 of 2019

P.S.Mohan

...Petitioner

-Vs-

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The District Educational Officer,
Thenkanikottai,
Krishnagiri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka.No.195/A3/19 dated 07.03.2019 (served upon the petitioner on 15.03.2019) and quash the same and consequently direct the respondents to continue the petitioner in the post of Middle School Headmaster with effect from 06.03.2019 with all service and other attendant monetary benefits.



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For Petitioner : Mrs.S.Suneetha

For Respondents : Mr.D.Gopal,
Government Advocate

ORDER

Heard Mrs.S.Suneetha, learned counsel for the petitioner and Mr.D.Gopal, learned Government Advocate for the respondents.

2. The petitioner herein, while serving as an Elementary School Headmaster, was promoted to the post of Middle School Headmaster on 06.03.2019. Thereafter, on the ground that he had participated in the protest along with the other Teachers, the impugned order dated 07.03.2019 was passed, whereby he was reverted back to the post of Elementary School Headmaster. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner produced copies of G.O.Ms.No.9, Personnel and Administrative Reforms Department, dated 02.02.2021, as well as G.O.Ms.No.113, Human Resources Department, dated 13.10.2021, whereby the Government have taken a stand that the period of absence of the Teachers, who had participated in the general protest between



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22.01.2019 and 30.01.2019, were regularized as duty period and the departmental actions or punishments imposed or criminal cases against them were dropped. There is also a specific direction that in cases where a Teacher has been imposed with a punishment and have been transferred to another place, they would be reverted back to the original place and the seniority will also be protected.

4. In the light of the Government Orders in G.O.Ms.No.9, dated 02.02.2021 and G.O.Ms.No.113, dated 13.10.2021, the impugned order of reversion itself requires to be quashed.

5. At this juncture, the learned Government Advocate appearing for the respondents, on instructions, submitted that the post of Middle School Headmaster in the Panchayat Union Middle School, Biligundu, Krishnagiri District, is vacant, in which the petitioner was serving as a Middle School Headmaster.

6. Accordingly, the impugned order passed by the second respondent dated 07.03.2019 is quashed. Consequently, there shall be a direction to the



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second respondent herein to forthwith pass appropriate orders, promoting the petitioner to the post of Middle School Headmaster at Panchayat Union Middle School, Biligundu, Krishnagiri District or in any other School, which is the closest to the original place of posting, together with all service and monetary benefits, including the fixation of his original seniority. Such orders shall be passed by the second respondent, within a period of four (4) weeks from the date of receipt of a copy of this order. The writ petition stands thus allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10.02.2023

Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking order

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To
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- 1.The Director of Elementary Education,
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Chennai - 600 006.
- 2.The District Educational Officer,
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M.S.RAMESH,J.

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