



W.P.No.15563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2023

Coram

The Honourable Mr. Justice **C.V.KARTHIKEYAN**

W.P.No.15563 of 2023
and W.M.P.Nos.15069 & 15072 of 2023

S.Durairaj
S/o.R.Shanmugam
B.T.Assistant – Maths
Government Girls Higher Secondary School
Thiruthuraipoondi, Thiruvarur District

.. Petitioner

Vs.

1.The Government of Tamil Nadu represented by
Secretary to Government
School Education Department
Fort St.George, Chennai – 9

2.The Commissioner of School Education
College Road, Chennai – 6

3.The Chief Educational Officer
Thiruvarur District, Thiruvarur

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a
WRIT OF CERTIORARIFIED MANDAMUS calling for the records of the



W.P.No.15563 of 2023

respondents in relation to the proceedings issued in Na.Ka.No.3588/A4/2023 dated ...04.2023 issued by the third respondent and quash the same in so far as the petitioner is concerned and issue a consequential direction to the respondents to allow the petitioner to continue as B.T.Assistant (Maths) at Government Girls Higher Secondary School, Thiruthuraipoondi, Thiruvarur District.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

This writ petition had been filed in the nature of the certiorarified mandamus seeking records of the third respondent in Na.Ka.No.3588/A4/2023 dated ...04.2023 and to quash the same and to issue a consequential direction to the respondents to allow the petitioner to continue as B.T. Assistant (Maths) at Government Girls Higher Secondary School, Thiruthuraipoondi, Thiruvarur District.



W.P.No.15563 of 2023

2. In the affidavit filed in support of this writ petition, the petitioner has stated that he had been initially appointed as Secondary Grade Teacher at Panchayat Union Middle School, Avikottai, Madhukoor Panchayat Union, Tanjavur District, on 21.08.1988 and thereafter, promoted as B.T. Assistant (Maths) on 07.09.2009 at Government Higher Secondary School at Kalappal and was finally transferred on 12.07.2012 to Government Girls Higher Secondary School, Thiruthuraipoondi, Thiruvavarur District. In the impugned order, it had been taken that consequent to a decision taken by the Government for fixing the staff strength of the school, it had been found that the petitioner had exceeded the sanctioned strength. Therefore, an order has been passed transferring the petitioner herein.

3. It is stated by the learned counsel for the petitioner, by drawing attention to G.O.Ms.No.525, School Education Department, dated 29.12.1997 that whenever a teacher is found surplus, the said teacher should be redeployed to a needy school and if such a course is not possible, the teacher concerned shall be allowed to continue in the same school till his retirement. Thereafter, the post shall be surrendered.



W.P.No.15563 of 2023

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4. There is yet another Government Order passed by the Government of Tamil Nadu in G.O.Ms.No.100 dated 27.06.2003, wherein, a policy decision had been taken to appoint B.T. Assistant Teachers in the place of Secondary Grade Teachers for 6th, 7th and 8th standard students for Science, Mathematics and English besides Tamil for middle school students. Another Government Order had been passed in G.O.Ms.No.174 dated 15.09.2006 extending the posts for History and Geography subjects also.

5. The learned counsel for the petitioner claims that the transfer order, which is now impugned, is in violation of the Government Orders. Further reference had been drawn to another Government Order, which had been passed in G.O.(1D).No.217 dated 20.06.2019, wherein, it had been stated that surplus teachers have to be determined and transferred to another needy school by way of deployment counseling. The date for counseling is on 22.05.2023.



W.P.No.15563 of 2023

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6. The learned counsel for the petitioner further states that the order impugned is directly in violation of the Government Orders and the petitioner should not be disturbed from his present place of posting.

7. It is seen that the petitioner had been in service in the same school as a teacher from the year 2012 onwards. If there are other schools where his services are required, he should be all the more willing to voluntarily accept such transfer to move over to the said school. The object of working as a teacher is to impart knowledge and skills to needy students and not to hold on to his own comfort posting. The petitioner should also realize that he should set an example to the students and should not question each and every administrative order.

8. It had been found that the petitioner is surplus in the school and therefore, an order has to be passed transferring him to a school, which would require his service.



W.P.No.15563 of 2023

9. The order impugned is only to attend counseling for transfer.

The petitioner can always attend the counseling and put forth his objections.

He cannot apprehend that a particular order would be passed. During the counseling process, the petitioner is permitted to raise all objections and the same may be addressed/considered by the respondents. The impugned notice is only the first step calling the petitioner to attend counseling and the writ petition has also been filed only questioning such notice issued to the petitioner.

10. In such view of the matter, I am not inclined to grant any relief in the writ petition and hence, the same stands dismissed. No costs. Connected W.M.Ps. are closed.

18.05.2023

Index: Yes / No
Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No
nsd/vji



W.P.No.15563 of 2023

WEB COPY

To

1.The Secretary to Government
School Education Department
Fort St.George, Chennai – 9

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3.The Chief Educational Officer
Thiruvarur District, Thiruvarur



WEB COPY



W.P.No.15563 of 2023

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W.P.No.15563 of 2023

18.05.2023