



W.P.(MD)Nos.166 and 167 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.166 and 167 of 2023

P.Maharaja ... Petitioner in W.P(MD).No.166 of 2023

K.Karuppalagu ... Petitioner in W.P(MD)..No.167 of 2023
Vs.

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

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

3.The District Educational Officer (Elementary)
Sivakasi Educational District,
Virudhunagar District.

4.The Block Educational Officer,
Sivakasi Block,
Virudhunagar District.

... Respondents in both petitions

Common Prayer:Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the



W.P.(MD)Nos.166 and 167 of 2023

respondents to restore the petitioners in any one of the vacancy or need post in Sivakasi Block, Virudhunagar District in compliance with the condition in the order of deployment transfer as well as the directions in G.O(1D).No.217, Education Department dated 20.06.2019, in consideration of the representation submitted by the petitioners dated 16.11.2022, within a time frame to be fixed by this Court.

In both petitions

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.S.Saji Bino

Special Government Pleader

COMMON ORDER

This writ petitions have been filed for a direction to the respondents to restore the petitioners in any one of the vacancy or need post in Sivakasi Block, Virudhunagar District in compliance with the condition in the order of deployment transfer as well as the directions issued in G.O(1D).No.217, Education Department dated 20.06.2019, in consideration of the representations submitted by the petitioners dated 16.11.2022, within a time frame to be fixed by this Court.



W.P.(MD)Nos.166 and 167 of 2023

WEB COPY

2. The case of the petitioners is that the petitioners were initially appointed as Secondary Grade Teachers in Elementary Education and were transferred to Sivakasi Block, Virudhunagar District. As per the Special Rules for Tamil Nadu Elementary Education, each Panchayat Union shall be unit for appointment and other conditions of service. Further, the Government order issued in G.O(1D).No.217, School Education Department, dated 20.06.2019 clearly states that a person, who was deployed to another union, is to be restored to the parent Union, as and when the vacancy arises in the parent union. On 24.02.2022, the petitioners were transferred on deployment to Kariyapatty Block, Virudhunagar District, vide the order issued by the 2nd respondent. While so, the 1st respondent issued three transfer orders on 20.10.2022 in favour of three Secondary Grade Teachers working in different unions, transferring them to Sivakasi Block. The respondents cannot fill up the vacancies in the parent union of the petitioners by other teachers on transfer from other Union, without considering the petitioners' restoration to the parent Union. Hence, the petitioners submitted the representations to the respondents on 16.11.2022. However, the same has not been



W.P.(MD)Nos.166 and 167 of 2023

considered. Hence, the present writ petition has been filed.

WEB COPY

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents are directed to dispose of the representations of the petitioners, dated 16.11.2022, on merits and in accordance with law, within a specified period, in terms of G.O(1D).No. 217, School Education (Pa.Ka.5(1)) Department, dated 20.06.2019 and the letter of the 1st respondent dated 30.10.2021, more particularly, clause (31) of the said letter.

4. The learned Special Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents to consider the representations of the petitioners, dated 16.11.2022 and pass appropriate orders, on merits and in



W.P.(MD)Nos.166 and 167 of 2023

accordance with law, within a period of six weeks from the date of receipt of a copy of this order, in terms of G.O(1D).No.217, School Education (Pa.Ka.5(1)) Department, dated 20.06.2019 and the letter of the 1st respondent dated 30.10.2021, more particularly, clause (31) of the said letter.

6. With the above directions, these Writ Petitions are disposed of.

No costs.

05.01.2023

ssb

To

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
- 2.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
- 3.The District Educational Officer (Elementary)
Sivakasi Educational District,
Virudhunagar District.

5/7



W.P.(MD)Nos.166 and 167 of 2023

WEB COPY

4. The Block Educational Officer,
Sivakasi Block,
Virudhunagar District.



WEB COPY



W.P.(MD)Nos.166 and 167 of 2023

M.DHANDAPANI,J.

ssb

W.P.(MD)Nos.166 and 167 of 2023

05.01.2023