



W.P(MD)No.8347 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8347 of 2023

and

W.M.P.(MD)Nos.7685, 7687 and 7688 of 2023

S.Daisy Margaret

... Petitioner

Vs.

1.The Joint Director (Aided School),
Department of School Education,
DPI Campus, Chennai.

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

3.The Secretary,
Sri Meenakshi Girls Hr. Sec. School,
Karaikudi – 630 001,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent in connection with the impugned proceedings of referring the petitioner to the 2nd respondent as surplus teacher vide his proceedings in No. Nil dated 03.02.2023 and quash the same as illegal, arbitrary and violation of Rule



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32 (B) (2) (i) of the Tamil Nadu Private Schools (Regulation) Rules 2023 as well as clause 2(a)(1)(i) of G.O.Ms.No.176 School Education (SCE5(1)) Department dated 17.12.2021 and consequently direct the 2nd and 3rd respondents to permit the petitioner to continue her service as B.T.Assistant (Mathematics) in the 3rd respondent school.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 & R2.
Mr.R.M.Arun Swaminathan for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the impugned order of deployment. The specific stand of the learned counsel for the petitioner is that the deployment has been made on the ground that the teaching staff in the rank of B.T. Assistant have been rendered surplus. In such cases, the junior teaching staff will have to be deployed while retaining the senior teaching staff.



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3.I ordered notice and called upon the learned Additional Government Pleader to clarify if juniors have been retained. Mr.Senthilkumar who is working as Superintendent in the office of the second respondent is present in person. Based on his instruction, the learned Additional Government Pleader clarifies that the petitioner is a senior. It was further undertaken by the official respondents that the impugned order will not be implemented.

4.Recording the said submission of the department, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

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