



W.P(MD)No.9959 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9959 of 2023
and
W.M.P.(MD)No.8755 of 2023

1.V.Kandavel

2.M.Kowsalya

3.M.Selvakumari

... Petitioners

Vs.

1.The Director of Elementary School Education,
Office of the Director of Elementary School Education,
DPI Complex, Chennai - 600 006.

2.The District Educational Officer (Elementary),
Office of District Educational Officer (Elementary),
Theni.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent in A.Thi.Mu.No.741/A5/2023 dated 20.03.2023,



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A.Thi.Mu.No.742/A5/2023 dated 20.03.2023 and

A.Thi.Mu.No.743/A5/2023 dated 20.03.2023, quash the same and consequently direct the respondents herein to consider the representation of the petitioners dated 16.03.2023 for re-deployment of petitioners to the existing and proposed vacancies in Srengapuram Elementary School, Kottur Elementary School, Vayalpatti Middle School and Uppapatti Middle School, Theni Union, by following the Clause (i) & (ii) of guidelines issued in the common order dated 25.11.2019 passed in batch of writ petitions W.P.(MD)No.19520 of 2019 etc.

For Petitioners : Mr.K.Appadurai

For Respondents : Mr.N.Satheesh Kumar,
Addl. Govt. Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioners were originally working as Secondary Grade Teachers in Theni Union. Since they were rendered as surplus, they were



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re-deployed. It cannot be in dispute that the petitioners were to be considered first as per their respective seniority as and when vacancies arise in the place of Secondary Grade Teacher in the parent union. The stand of the respondents is that as on date there are no vacancies available.

3.The respondents may be right in the said statement. It is true that the petitioners cannot be accommodated in Theni Union as of now. But then, the learned counsel for the petitioner draws my attention to the proceedings bearing Na.Ka.No.756/D1/2021, dated 05.09.2022. One Nagajothi was transferred from Dindigul to Theni Union on so-called administrative ground. I fail to understand as to how the said Nagajothi could have been appointed in Theni Union by overlooking the legitimate claims of the writ petitioners herein. I have come across quite a few such cases. It is such gross overlooking of the legitimate rights of the deployed teachers that has given rise to heartburn and filing of writ petitions. As a ruse, the expression “administrative grounds” is employed in such cases. Even while directing the respondents to accommodate the petitioners as per their seniority as and when vacancies



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arise in Theni Union, the respondents shall not frustrate the petitioners' claim by posting teachers from other union on so-called administrative grounds.

4.This writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

07.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Director of Elementary School Education,
Office of the Director of Elementary School Education,
DPI Complex, Chennai - 600 006.
- 2.The District Educational Officer (Elementary),
Office of District Educational Officer (Elementary),
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G.R.SWAMINATHAN, J.

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