



W.P(MD)No.10519 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10519 of 2023
and
W.M.P(MD)No.9347 of 2023

General Manager,
Schools of the Congregation of the
Immaculate Conception.

... Petitioner

Vs.

- 1.The District Educational officer (Elementary),
Tirunelveli,
Tirunelveli District.
- 2.The Block Educational Officer,
Ambasamudram-627 401,
Tirunelveli District.
- 3.The District Educational Officer (Elementary),
Madurai.
- 4.The Block Educational Officer,
Madurai South,
Madurai District.
- 5.The Correspondent,
St.Joseph's Primary School,
Ambasamudram-627 401,
Tirunelveli District.



W.P(MD)No.10519 of 2023

6.The Correspondent,
R.C.Middle School,
Kezhavasal,
Madurai 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 relating to the impugned proceeding issued by the 1st respondent District Educational Officer in Na.Ka.No.057/A1/2023, dated 06.04.2023 and the consequential proceeding of the 2nd respondent Block Educational Officer in Na.Ka.No.649/a1/2023, dated --.04.2023 refusing to approve / countersign the relieving order issued by the 5th respondent school, quash the same and further direct the 1st respondent District Educational Officer (Elementary), Tirunelveli herein to approve / countersign forthwith the Relieving Order submitted by the 5th respondent and further direct the 3rd respondent District Educational Officer (Elementary), Madurai herein to approve forthwith the transfer of Tmt.P.Edwin Nirmala as Secondary Grade Teacher in the 6th respondent school w.e.f., 05.07.2022 and the disburse grant aid towards her salary along with arrears.

For Petitioner	: M/s.A.Amala for Mr.M.Murali
For R1 - R4	: Mr.V.Om Prakash Government Advocate
For R5 & R6	: No Appearance



W.P(MD)No.10519 of 2023

ORDER

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The present writ petition has been filed by the General Manager of a corporate management, under which the 5th respondent school is coming.

2. One P.Edwin Nirmala, who was working as a Secondary Grade Teacher in the 5th respondent school was transferred by the writ petitioner to the 6th respondent school on 04.07.2022. Pursuant to the transfer order, the said Secondary Grade Teacher has also joined the 6th respondent school on 05.07.2022.

3. The transfer order was forwarded to the 2nd respondent herein for his counter signature, so that the salary could be disbursed by the 6th respondent school. However, the said request has been rejected by the 2nd respondent herein under the impugned order, dated 06.04.2023 on the ground that there are several surplus teachers in the 6th respondent school. This order is under challenge in the present writ petition.

4. One Secondary Grade Teacher has been transferred from the 5th respondent school to the 6th respondent school falling within the same



W.P(MD)No.10519 of 2023

corporate management. It is a settled position of law that all the schools falling within the corporate management have to be treated as a single Unit for deciding the surplus teachers. Therefore, the issue of surplus has nothing to do with countersigning the relieving order passed by the 5th respondent school.

5. In view of the above said facts, the order impugned in the writ petition is set aside. The 2nd respondent is directed to countersign the order of relieving issued by the 5th respondent on 04.07.2022 and permit the said Secondary Grade Teacher to receive her salaries from the 6th respondent from 05.07.2022 onwards. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order. The issue of surplus may be dealt with independently by the authorities in accordance with law.

6. With the said observations, this Writ Petition stands allowed.
No costs. Consequently, connected Miscellaneous Petition is closed.

09.11.2023

NCC : Yes / No
Index : Yes / No



W.P(MD)No.10519 of 2023

Internet : Yes / No

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To

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Tirunelveli,
Tirunelveli District.
- 2.The Block Educational Officer,
Ambasamudram-627 401,
Tirunelveli District.
- 3.The District Educational Officer (Elementary),
Madurai.
- 4.The Block Educational Officer,
Madurai South,
Madurai District.



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W.P(MD)No.10519 of 2023

R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.10519 of 2023

Dated:
09.11.2023