



W.P.(MD).No.12853 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.12853 of 2023

and

W.M.P(MD)Nos.10883 & 10884 of 2023

Raghavan

... Petitioner

Vs.

- 1.The Director,
Directorate of Elementary Education,
Nungambakkam, Chennai.
- 2.The District Educational Officer,
Vedasandur, Dindigul.
- 3.The Assistant Elementary Educational Officer,
Reddiyarchatiram Block, Dindigul.
- 4.The Block Educational Officer,
Reddiyarchatiram Block, Dindigul.
- 5.Shanthi Baby
- 6.Jaculine Mary

... Respondents

*(R-5 is suo motu impleaded vide Court order, dated
02.06.2023 in W.P(MD)No.12853 of 2023)*



W.P.(MD).No.12853 of 2023

*(R-6 is impleaded vide Court order, dated 14.06.2023
in W.M.P(MD)No.11936 of 2023 in W.P(MD)No.12853
of 2023)*

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 passed by the second respondent in Na.Ka.No.1036/B2/2023, dated 15.05.2023 and to quash the same and consequently direct the respondents to appoint the Head Masters in the hill station schools namely on the basis of the seniority list as per G.O(Ms)No.107.

For Petitioner : Mr.H.Arumugam
For R-1 to R-4 : Mr.V.Om Prakash
Government Advocate
For R-5 : Mr.T.Pon Ramkumar
For R-6 : Mr.H.Lakshmi Shankar

ORDER

The present writ petition has been filed by a Head Master of a Middle School in Reddiyarchatiram Block, Vendasandur Taluk, Dindigul District challenging the order of transfer from T.Pudupatti to Adalur, which is a hill station.



W.P.(MD).No.12853 of 2023

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2. According to the learned Counsel appearing for the writ petitioner, as per G.O(Ms)No.107, School Education (Pa.Ka.5(1)) Department, dated 17.06.2022 all the middle school Head Masters in the said block have to serve in a hill station on a rotation basis for a period of one year. The said rotation will start from the junior most Teacher. Once a cycle is completed, again the cycle would start from the junior most Teacher.

3. The learned Counsel for the petitioner further submits that there are two hill stations in the said block, namely, Adalur and Pandrimalai. The petitioner had worked in the hill station of Adalur in the academic year 2017 - 2018 and therefore, the present impugned order of transfer to the same Adalur immediately after a period of five years is not legally sustainable. He further contended that there are 18 Head Masters in the said block and it will take at least 9 years to complete the cycle with 2 Teachers being transferred to hill station per academic year. The petitioner having completed the hill station service only in the year 2018, he is sought to be again transferred to the hill station by the impugned order, dated 15.05.2023, within a period of 5 years. Hence, he has challenged the present transfer order on the ground that, it is in violation of G.O(Ms)No.107, dated 17.06.2022.



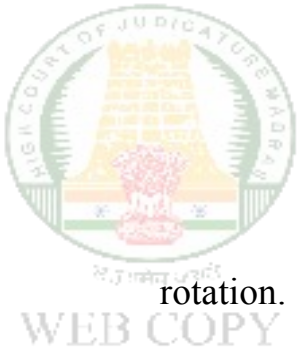
W.P.(MD).No.12853 of 2023

WEB COPY

4. Per contra, the learned Counsels appearing for the respondents 5 and 6 contended that first cycle of transfer to hill station has been completed by all the 18 Head Masters. Therefore, the writ petitioner has been transferred to a hill station in the second round, he being the junior most out of the said 18 Head Masters. Hence, he prayed for dismissal of the present writ petition.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. G.O(Ms)No.107, School Education (Pa.Ka.5(1)) Department, dated 17.06.2022 lays down the guidelines for transferring teachers from the plain to a hill station on a rotational basis. As per Clause 5 and 6 of the said G.O, after completion of one cycle of rotation, the second cycle would start from the junior most person. In the present case, the petitioner is ranked as 15th among the Head Masters. One Mr.T.Thirunavukkarasu and R.Babu, who are ranked as 16 and 17 have completed their hill station rotation on 31.05.2023. Therefore, the next junior most person is the writ petitioner. It is not in dispute that all the 18 Head Masters have already completed their first round of hill station



W.P.(MD).No.12853 of 2023

rotation. In the second round, the junior most two Head Masters have completed the hill station rotation and the next junior most Head Master, namely, the writ petitioner has now been transferred to the hill station on the rotational basis for the academic year 2023 - 2024.

7. In view of the above said facts, I find that the transfer order of the writ petitioner is strictly in consonance with G.O(Ms)No.107, dated 17.06.2022. There are no grounds to interfere with the order impugned in the writ petition. It is needless to point out that only after all the Head Masters in the block had completed the second rotation, the name of the writ petitioner would be considered again for transfer to a hill station rotation.

8. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

16.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



W.P.(MD).No.12853 of 2023

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W.P.(MD).No.12853 of 2023

R.VIJAYAKUMAR, J.

BTR

W.P.(MD).No.12853 of 2023

16.10.2023