



W.P.(MD)No.3466 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3466 of 2018

W.M.P(MD).Nos.3613 and 3614 of 2018

V.Suseela

... Petitioner

Vs.

1.The Chief Educational Officer,
Pudukkottai,
Pudukkottai District.

2.The District Educational Officer,
Aranthangi,
Pudukkottai District.

3.The Secretary,
S.K.T. Gandhi High School,
Rayavaram,
Thirumayam Taluk,
Pudukkottai District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the third respondent in his proceedings in Na.Ka.No. 29/2017-2018 dated 24.01.2018 and quash the same as illegal and



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arbitrary.

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For Petitioner : Mr.Arul Jenifer
for Mr.K.Baalasundharam
For Respondents : Mr.J.Ashok,
Additional Government Pleader
for R1 and R2
Mr.Joseph Xavier Raj for R3

ORDER

This Writ Petition has been filed to call for the records pertaining to the order passed by the third respondent in proceedings in Na.Ka.No. 29/2017-2018, dated 24.01.2018 and quash the same as illegal.

2. The case of the petitioner is that the petitioner was appointed as Junior Grade B.T.Teacher by the Secretary, Sri Subburamaiyer Middle School, Pudukkottai vide order dated 10.08.2005 and her appointment was also approved by the second respondent on 25.08.2005. Her service was regularised in the year 2006. Thereafter, she was transferred to the third respondent School in the year 2009. While so, on the basis of the letter of the first respondent dated 18.12.2017, the third respondent has



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passed the impugned proceedings dated 24.01.2018, stating that she is the junior most teacher in the School and has been relieved from the third respondent School to serve in the Government Higher Secondary School, Kalanivasal. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that initially, the petitioner was appointed as Junior Grade B.T.Teacher in Sri Subburamaiyer Middle School, Pudukkottai. Subsequently, she was declared as surplus teacher in the said School and was transferred to the third respondent School in the year 2009. However, the third respondent has passed the impugned proceedings dated 24.01.2018, transferring the petitioner to the Government Higher Secondary School, Kalanivasal. The petitioner is not the junior most person in the third respondent School and she has been working in the third respondent School from the year 2009. Instead of transferring the junior most person, transferring the petitioner from the third respondent School on deputation vide the impugned proceedings dated 24.01.2018 is not sustainable one. Hence,



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he prays for allowing the present writ petition.

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4. Per contra, the learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that as per the proceedings of the Director of School Education dated 22.08.2017 and 20.10.2017, the surplus teachers should be deputed to the nearest government High Schools/Higher Secondary Schools purely on temporary basis. The staff fixation on behalf of the third respondent School for the year 2017-18 was settled by the District Educational Officer, Aranthangi, vide proceedings dated 18.12.2017. As there are 19 teachers available in the third respondent School, two teachers were identified as surplus. Accordingly, one vacant post of B.T.Assistant (Maths) was surrendered to the Director's pool. The petitioner was the junior most person in the third respondent School among the five teachers in the subject of science, according to the date of joining in the School. Hence, she was transferred to the Government Higher Secondary School, Kalanivasal.



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5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Junior Grade B.T.Teacher in Sri Subburamaiyer Middle School, Pudukkottai and subsequently, she was transferred to the third respondent School in the year 2009. Thereafter, the petitioner was declared as surplus teacher based on the students-teachers ratio and thereby, the petitioner was transferred on deputation nearby the Government School. In fact, the Director of School Education has issued the proceedings dated 22.08.2017 and 20.10.2017, stating that the surplus teachers should be deputed to the nearest Government High School/Higher Secondary Schools purely on temporary basis to maintain a separate Attendance Register with a condition that the salary will be claimed through the existing Aided School as has been done in respect of deputed teachers from various schools, since the teachers will continue their seniority in the same school and will be retained in the same school as and when the strength increases in the old school. As such, the present



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deputation order is a temporary measure for the welfare of the students. Hence, this Court is not inclined to interfere with the impugned order passed by the third respondent. However, liberty is granted to the petitioner to make a representation before the Educational Authorities seeking transfer to the parent School. The first respondent is directed to maintain the seniority of the petitioner till her retirement. If the strength of the students is increased in the third respondent School, the second respondent is directed to consider the representation of the petitioner for re-transfer in accordance with law.

7. Accordingly, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

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



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M.DHANDAPANI,J.

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