



W.P.(MD).No.12530 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.12530 of 2016

and

W.M.P.(MD).No.9473 of 2016

P.David

... Petitioner

Vs.

- 1.The Joint Director of School Education,
(Elementary),
DPI Campus,
College Road,
Chennai.
- 2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 3.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.
- 4.The Headmaster (In-charge),
Concordia Higher Secondary School,
Valliyoar,
Tirunelveli District.
- 5.C.Bright Gnanaraj,
Secondary Grade Teacher,
Concordia Higher Secondary School,
Valliyoar,
Tirunelveli District.



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6.D.David Mariaraj,
Secondary Grade Teacher,
Concordia Higher Secondary School,
Valliyoor,
Tirunelveli District.

7.Selvi.Stella Grace,
Secondary Grade Teacher,
Concordia Higher Secondary School,
Valliyoor,
Tirunelveli District.

8.J.Elizabeth Pauline,
Secondary Grade Teacher,
Concordia Higher Secondary School,
Valliyoor,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to redeploy the Secondary Grade Teachers posts which are surplus at the 4th respondent School through seniority by taking into consideration of date of appointment and regularization of them on the basis of the petitioner's representation dated 12.07.2016.

For Petitioner : No Appearance

For R-1 to R-3 : Mr.V.Omprakash,
Government Advocate.



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ORDER

This Writ Petition is filed for Mandamus, directing the respondents 1 to 3 to redeploy the Secondary Grade Teachers posts which are surplus at the 4th respondent School through seniority by taking into consideration of date of appointment and regularization of them on the basis of the petitioner's representation dated 12.07.2016.

2. The petitioner was appointed as Secondary Grade Teacher on 19.12.1997 and regularized on the same day itself. In the representation, the petitioner has stated that only junior most teacher should be deployed. Therefore, the petitioner is seeking to follow seniority.

3. When the matter is taken up for hearing, neither the petitioner nor the learned counsel appearing for the petitioner were present before this Court.

4. After hearing the arguments of the respondents, this Court is of the considered opinion that first of all the Writ Petition is not maintainable at all. The deployment of surplus teacher ought to be considered by the respondents 1 to 3. There cannot be any seniority for surplus teachers. As and when there are surplus teachers, based on the needy school, the respondents 1 to 3 shall deploy



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or transfer any persons. The only criteria available is needy post. Moreover, it is clearly within the domain of the respondents 1 to 3 to deploy or transfer anybody to any needy School and the petitioner cannot challenge the same. Therefore, this Writ Petition cannot be entertained.

5. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.04.2023

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

To

1.The Joint Director of School Education,
(Elementary),
DPI Campus,
College Road,
Chennai.

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

3.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

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S.SRIMATHY, J.

Nsr

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