



W.P.(MD).No.28574 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28574 of 2023

and

W.M.P(MD) No.24622 of 2023

R.James

... Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli District.

2. The District Educational Officer (Secondary)
Tirunelveli District.

3. The Correspondent,
Christhuraja Higher Secondary School,
Palayamkottai.

... 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 pertaining to the order passed by the second respondent in his proceedings in O.Mu.No.1246/A4/2022, dated 19.04.2023 and quash the same and direct the respondents to approve the petitioner appointment as B.T.Assistant (Tamil) with all consequential benefits.



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For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.V.Om Prakash
Government Advocate
for R1 and R2

ORDER

The present writ petition has been filed by a B.T.Assistant (Tamil) Teacher seeking to quash the order passed by the authorities, wherein, they have refused to approve the transfer of the said Teacher to the third respondent School.

2. The petitioner was originally appointed as B.T.Assistant (Tamil) in St.Mary's Boys Higher Secondary School, Millerpuram, Thoothukudi District on 16.10.2009. Thereafter, the petitioner was transferred to St.Thomas High School, Kurichi, Mellapalayam, Tirunelveli District on 02.06.2014. The original appointment and the transfer of the writ petitioner to St.Thomas High School have to be approved by the authorities. The petitioner was promoted as a P.G Assistnat (Tamil) on 20.05.2016 and he was appointed at St.Mary's Boys Higher Secondary School. This promotion order was not approved by the authorities. The Management as well as the writ petitioner have accepted the non approval of the authorities.



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3. The Management, thereafter, reposted the writ petitioner as B.T. Assistant (Tamil) Teacher on 10.03.2021 to the third respondent School, viz., Christhuraja Higher Secondary School. The said transfer order of the writ petitioner to the third respondent has not been approved by the authorities citing frivolous reasons. Hence, the present writ petition has been filed.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

5. Considering the fact that the petitioner's appointment has been originally approved by the authorities, they cannot have any legal impediment for approving the transfer of the writ petitioner from one school to another school, provided in the transferred School, the appointment is within the staff strength.

6. In view of the above said facts, the order impugned in the writ petition is set aside. The authorities are directed to approve the transfer of the writ petitioner to the third respondent school within a period of four weeks. In case, if the authorities find that the petitioner's appointment to the third



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respondent School is surplus in nature, thereafter, the authorities are at liberty to redeploy the Teacher to another School within the Corporate Management.

7. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

18.12.2023

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

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2. The District Educational Officer (Secondary)
Tirunelveli District.
3. The Correspondent,
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R.VIJAYAKUMAR,J.

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