



W.P.No.401 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.401 of 2024
W.M.P.No.441 of 2024

A.S.Ulaganathan

...Petitioner

-Vs -

1. The Chief Educational Officer,
Chennai, Chennai District.
2. The Chief Educational Officer,
Kancheepuram,
Kancheepuram District.
3. The Chief Educational Officer,
Cuddalore,
Cuddalore District.
4. The District Educational Officer,
Kancheepuram,
Kancheepuram District.
5. The Secretary,
Pachaiyappa's Trust Board,
Chennai – 600 030.
6. The Head Master,
Pachaiyappa's Higher Secondary School,
Kancheepuram,
Kancheepuram District.



W.P.No.401 of 2024

7. The Head Master,
Pachaiyappa's Higher Secondary School,
Chidhambaram,
Cuddalore District.

8. G.R.Praveena
B.T. Maths Assistant,
Pachaiyappa's College Higher
Secondary School,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records pertaining to the transfer order dated 18.12.2023 in proceedings Na.Ka.No.A1/4043/2023, of the fifth respondent and quash the same.

For Petitioner : Mr.P.Selvaraj

For Respondents

For R1 to R4 : Mr.S.Rajesh
Government Advocate

For R5 : Mr.J.Saravanel

ORDER

This writ petition has been filed challenging the order of transfer dated 18.12.2023, thereby transferred the petitioner from Pachaiyappa's Higher Secondary School, Kancheepuram to Pachaiyappa's Higher Secondary School, Chidhambaram.



W.P.No.401 of 2024

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2. The petitioner was appointed as B.T. Assistant in Pachaiyappa's Higher Secondary School, Chennai, by the fifth respondent trust. His post was regularized by the proceedings dated 14.07.2010. Subsequently, he was transferred to Pachaiyappa's Higher Secondary School, Kancheepuram, by an order dated 05.10.2018, for which he was joined and working there. At that juncture, he was transferred by the fifth respondent to the Pachaiyappa's Higher Secondary School, Chidambaram, Cuddalore District, on the ground of surplus teacher.

3. The learned counsel appearing for the petitioner submitted that as per the guidelines issued by the Director of School Education, Chennai, dated 09.11.2023, in the same management, whenever find surplus post, the junior most teacher to be filled in the vacant posts in the government schools. Though the eighth respondent is the junior most in the B.T. Assistant post, without disturbing her, the petitioner only transferred to Pachaiyappa's Higher Secondary School, Chidambaram, Cuddalore District.



W.P.No.401 of 2024

WEB COPY

4. The fifth respondent filed counter and the learned counsel appearing for the fifth respondent submitted that, the second respondent by an order dated 25.10.2023, declared that one B.T. Maths teacher and B.T. History teacher posts were surplus teachers, as per the prevailing norms in the sixth respondent school. As per Clauses 2 and 3 of the guidelines issued by the Director of School Education, dated 09.11.2023, with regard to redeployment of surplus teachers, the petitioner being the junior most B.T. Maths teacher and one M.Vasuki, being the junior most B.T. History teacher working in the Pachaiyappa's Higher Secondary School, Kancheepuram, were transferred to Pachaiyappa's Higher Secondary School, Chidhambaram, by the order dated 18.12.2023.

5. Heard the learned counsel on either side and perused the materials available on records.

6. On perusal of the guidelines dated 09.11.2023, issued by the Director of School Education, Clause 2 says that based on the date of joining in the government aided post in the school, where he is presently



W.P.No.401 of 2024

working, the junior most has to be considered as the surplus teacher.

Clause 3 says that as far as the schools administered by the same management is concerned the surplus teachers can be transferred to any school administered by that management in which vacant government aided posts declared by the education officers for 2023-24 academic year are vacant.

7. That apart, the petitioner is working in Pachaiyappa's Higher Secondary School, Kancheepuram and it is coming under the Kancheepuram District. Whereas the 8th respondent is working as B.T. Assistant Maths in Chennai and it is coming under the Chengalpet District. In the petitioner's School viz., in the fifth respondent school and in the Kancheepuram District, the petitioner is the junior most B.T. Assistant. Further one B.T. Assistant Maths and one B.T. Assistant History posts are declared as surplus. Therefore, the petitioner was rightly transferred to the Pachaiyappa's Higher Secondary School, Chidhambaram. This Court finds no infirmity or illegality in the order passed by the fifth respondent and the writ petition itself devoid of merits and liable to be dismissed.



W.P.No.401 of 2024

WEB COPY 8. Accordingly, the Writ Petition stands dismissed.

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

01.02.2024

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

rts



W.P.No.401 of 2024

WEB COPY To

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W.P.No.401 of 2024

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W.P.No.401 of 2024
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