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W.P.No.1156 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM:

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

W.P.No.1156 of 2022 and
WMP.No.1220 of 2022

A.Jagadeesan

... Petitioner

Vs.

1. Director of Elementary Education,
DPI Campus,
College Road,
Chennai 600 006
2. The District Educational Officer,
Tirupattur District
3. Block Educational Officer,
Alangkayam Block, Tirupattur District
4. Block Educational Officer,
Tirupattur Block,
Tirupattur District
5. The Chief Educational Officer,
Tirupattur

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to retransfer the petitioner to his parent block of Thirupattur by taking into consideration the fact that he is the senior most BT Assistant in the Thirupattur Block and accordingly promote the petitioner to the post of



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Middle School Headmaster in Thirupattur Block by duly considering the fact that the petitioner's school has been transferred from Thirupattur Block to Alangkayam Block due to trifurcation of the District.

For Petitioner : M/s.Suneetha

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader

ORDER

This writ petition has been filed for direction to the respondents to retransfer the petitioner to his parent block of Tirupattur since he is the senior most BT Assistant in the said Tirupattur Block and accordingly to promote him to the post of Middle School Headmaster in Tirupattur Block.

2. The petitioner was originally appointed as Secondary Grade Teacher with effect from 28.07.1995. Thereafter, he was promoted to the post of BT Assistant on 27.11.2006 and posted to Tirupattur Block. Due to trifurcation of Vellore District, some of the panchayats which were part of Tirupattur Block sought to transfer to Alangkayam Block. Accordingly, Pookampattu Nadu Panchayat, Pudurnadu Panchayat and



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Nellivasal Nadu Panchayat were transferred to Alangkayam block from Tirupattur Block. Accordingly, the petitioner got transferred from his parent block of Tirupattur to another block i.e. Alangkayam Block. Since the petitioner was the second senior most BT Assistant in the Tirupattur Block and he was to be considered for promotion to the post of Middle School Headmaster in Tirupattur Block since the first senior most person relinquished the promotion to the post of Middle School Headmaster. However, due to trifurcation, the petitioner has been transferred to another block in which he is the fifth in the seniority list of BT Assistant. Therefore, he has no chance for promotion. Hence, he submitted representation to re-transfer him to the parent block i.e. Tirupattur Block.

3. On perusal of the counter, revealed that the Panchayat Union Middle School, Omakuppam in Tirupattur Block in which the petitioner was working at the time of trifurcation was attached to Alangkayam Block. The absorption of teachers in the Unit of Establishment was made on the basis of option given by the individual



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teachers. However, such option could not be considered as there was no scope to accommodate all of the teachers in the same block i.e. in the Tirupattur Block due to shortfall in the vacancy position. That apart, the petitioner is not the senior most BT Assistant in the Tirupattur Block. Insofar as the Government employees are concerned, they will be allowed to give option either to retain or to go over to the newly formed office subject to the availability of the vacancy position. The petitioner is at 82nd in the seniority list of BT Assistants in Tirupattur Block as on 01.01.2019. Consequent to the trifurcation, the same seniority will be retained in the newly formed unit of establishment by excluding those who were allowed to be in the same block. Further, the petitioner has not completed Teacher Eligibility Test for promotion to the post of Headmaster. Therefore, he is not eligible for promotion to the post of Headmaster till completion of Teacher Eligibility Test.

4. Now as per GO.Ms.No.243 School Education EE1(1) Department dated 21.12.2023, there is amendment to the Special Rules for the Tamilnadu Elementary Education Subordinate Service (Section



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48A in Volume-III of the Tamilnadu Service Manual, 2016) and the said amendment came into force from 31.12.2023. Accordingly, for the purpose of appointment to any of the categories in this service, state shall be the unit of appointment. Therefore, he cannot have seniority in the Tirupattur Block. Hence, the request made by the petitioner cannot be considered and the writ petition is devoid of merits and liable to be dismissed.

5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05.01.2024
(¹/₂)

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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Chennai 600 006
2. The District Educational Officer,
Tirupattur District
3. Block Educational Officer,
Alangkayam Block, Tirupattur District
4. Block Educational Officer,
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