



WEB COPY



W.P.No.1174 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.1174 of 2022

A.Murugan

... 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 grant priority to the petitioner for retransfer to the parent block of Thirupattur as and when vacancy arises in the post of BT Assistant(Science) in Tirupattur Block by taking into consideration to the fact that the petitioner is one of the senior most BT Assistant has been



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transferred from his parent Panchayat Union of Tirupattur Block to Alangkayam Block due to trifurcation to the district of Vellore 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 grant priority to the petitioner for retransfer to the parent block of Thirupattur as and when vacancy arises in the post of BT Assistant(Science) in Tirupattur Block by taking into consideration to the fact that the petitioner is one of the senior most BT Assistant has been transferred from his parent Panchayat Union of Tirupattur Block to Alangkayam Block due to trifurcation to the district of Vellore District.

2. The petitioner was originally appointed as Secondary Grade Teacher with effect from 20.06.2002. Thereafter, he was promoted to the post of BT Assistant on 14.06.2018 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.



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Accordingly, Pookampattu Nadu Panchayat, Pudurnadu Panchayat and 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 one of the 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. However, due to trifurcation, the petitioner has been transferred to another block. 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 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



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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 48A in Volume-III of the Tamilnadu Service Manual, 2016) and the said amendment came into force from 31.12.2023. Accordingly, for the



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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. There shall be no order as to costs.

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok

05.01.2024
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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
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