



W.P(MD).No.3264 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3264 of 2024

and

W.M.P(MD)Nos.3223 & 3224 of 2024

1.K.Amutha

2.S.Valliyammai

3.M.Balchamy

4.S.Kannan

5.K.Ganesan

....Petitioners

Vs

1.The State Project Director,
Samgra Shiksha,
DPI Campus,
Egmore, Chennai.

2.The Director,
Department of Economics and Statistical,
DMS Complex,
Teynampet, Chennai-600 006.

3.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Madurai District.

4.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Dindigul District.



W.P(MD).No.3264 of 2024

5.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Virudhunagar District.

6.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Theni District.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Na.Ka.No. 3519/A1/Opaka/2023, dated 09.02.2024 and quash the same as illegal.

For Petitioners : Mr.Ajmal Khan
for M/s.Ajmal Associates

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed to call for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Na.Ka.No.3519/A1/Opaka/2023, dated 09.02.2024 and quash the same as illegal.

2. The petitioners were initially appointed as Assistant Statistical Investigator through TNPSC. Thereafter, they were promoted as Statistical Inspector and further promoted as Statistical Officers. All the petitioners



W.P(MD).No.3264 of 2024

except the 2nd petitioner, are working on foreign service in the School Education Department, while the 2nd petitioner is working as Statistical Officer in the Department of Planning and Development. The Government of India introduced a scheme Sarva Shiksha Abhiyan in the year 2002 for the effective implementation of which the Statistical Officers were posted in the School Education Department through foreign service from the year 2002 onwards. The Statistical Officers who worked in the Department of Economics and Statistics were posted on rotation basis and one was allowed to work for a maximum period of 3 years and on completion of 3 years, they would be sent back to the parent department. For which, the Government of Tamil Nadu vide G.O.Ms.No.100 school Education Department, dated 16.05.2018 created one post of Additional State Project Director for the effective implementation of SSA scheme and as per the said Government Order, 30 posts of Statistical Officers were allotted to the School Education Department. Accordingly, the petitioners are working in the School Education Department except the 2nd petitioner who is working in the Planning and Development Department at the office of the District Planning Officer, Karur via deputation. Under such circumstances, the 1st respondent passed the impugned order, dated 09.02.2024 repatriating the posts of 30 Statistical Officers to the parent department on the ground that the requirement of the Statistical Officers does not exist anymore. Challenging the same, this writ



W.P(MD).No.3264 of 2024

petition came to be filed.

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3. The learned Senior Counsel appearing for the petitioners vehemently submitted that the impugned order of repatriation came to be passed during non-transfer period and that apart, without ascertaining whether there are any available vacancies in the department for accommodating these Statistical Officers. In case of absence of vacancy, they would be left in lurch without having an opportunity of serving in the parent department.

4. On the said submission, the learned Special Government Pleader was instructed by this Court to get instructions as to the availability of the vacancies for accommodating the repatriated Statistical Officers who were deputed in the School Education Department, in the parent department.

5. On the basis of the written instructions from the Director of Department of Economics and Statistics, the learned Special Government Pleader submitted that the Department of Economics and Statistics do not have sufficient vacant posts in the category of Statistical Officers as of now. In the meanwhile, the 2nd respondent vide proceedings, dated 29.12.2023 has also requested the Chief Educational Officer who are the Project Officers of the Scheme of Sarva Shiksha Abiyan seeking permission to retain the deputed



W.P(MD).No.3264 of 2024

Statistical Officers, since the order of repatriation came to be passed during the non-transfer period and also considering the fact that non-availability of vacancy in the parent department.

6. In view of the same, this Court hereby set aside the impugned order passed by the 1st respondent, dated 09.02.2024. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.02.2024

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

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To

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2.The Director,
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W.P(MD).No.3264 of 2024

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W.P.(MD).No.3264 of 2024

L.VICTORIA GOWRI, J.

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W.P.(MD).No.3264 of 2024

19.02.2024