



W.P.(MD).No.3882 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3882 of 2024

and

W.M.P(MD) No.3790 of 2024

S.Manimegalai
Headmistress,
Ramalingam Primary School,
Muthuramalingapuram,
Kadaladi Union,
Ramanathapuram District.

... Petitioner

Vs.

1. The Director of Elementary Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai – 600 034.
2. The Chief Educational Officer,
Ramanathapuram – 623 501,
Ramanathapuram District.
3. The District Elementary Educational Officer,
Paramakudi – 623 707,
Ramanathapuram District.
4. The Block Educational Officer,
Kadaladi – 623 120,
Ramanathapuram District.



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5. The Superintendent,
The Office of District Elementary Educational Officer,
Paramakudi – 623 707,
Ramanathapuram District.

6. Ramachandran
The Superintendent,
The Office of District Elementary Educational Officer,
Paramakudi – 623 707,
Ramanathapuram District.

7. The Secretary,
Hindu Nadar Middle School,
Kokkarasankottai,
Kadaladi,
Ramanathapuram District.

... Respondents

(R7 is impleaded vide order of this Court
dated 20.02.2024 in W.P(MD) No.3882
of 2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceeding issued by the third respondent DEEO in Na.Ka.No.7082/Aa4/2022, dated 07.02.2024 (*demoting the petitioner as Secondary Grade Teacher by way of deployment transfer*) and the consequential proceedings issued by the fourth respondent BEO in Na.Ka.No. 570/A3/2019, dated 08.02.2024 (*relieving the petitioner from service*), quash the same in so far as the petitioner is concerned.



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For Petitioner : Mr.T.Cibichakaraborthy
for Mr.P.Muthuvel
For R1 to R5 : Mr.J.Ashok
Additional Government Pleader
For R6 : Mr.D.Balamurugapandi
For R7 : Mr.Sujikrishna

ORDER

The instant Writ Petition has been filed by a Headmistress working in a Primary School, challenging the order of her deployment to the seventh respondent School under the impugned order, dated 07.02.2024.

2. The petitioner herein was initially working as a Headmistress in Ramalingam Primary School, Muthuramanalingapuram. Since the said School was closed by the Management, the petitioner was deputed to Government Primary School, Sayalkudi, by way of proceedings, dated 17.06.2019 issued by the District Educational Officer, Mandapam. The petitioner was deputed to Government Primary School, Sayalkudi not as a Headmistress but only as a Secondary Grade Teacher. Since the petitioner was on deputation, the petitioner continued to receive the salary of



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Headmistress. The petitioner has no grievance over her deputation order dated 17.06.2019.

3. The petitioner herein, under the impugned order, dated 07.02.2024 was deployed by way of transfer to the seventh respondent School as a Secondary Grade Teacher. Apprehending that the petitioner may be lose her pay protection as Headmistress, the instant writ petition has been filed challenging the order of deployment by transfer.

4. Pending writ petition, this Court has passed several interim orders, in view of the fact that the seventh respondent School has not permitted the petitioner to join duty. Hence, the seventh respondent was *suo motu* impleaded by an order dated 20.02.2024.

5. The seventh respondent has now filed a typed set of papers, wherein proceedings dated 30.04.2024 has been addressed by the Management to the Block Educational Officer, Kadaladi, to the effect that they are agreeing to permit the petitioner to join as a Secondary Grade Teacher in the said School.



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6. Now, the learned counsel appearing for the seventh respondent submits that they have no objection for permitting the petitioner to join as a Secondary Grade Teacher in that School. The said statement is recorded.

7. It is the primary grievance of the writ petitioner that once she is deployed by transfer as a Secondary Grade Teacher, she will lose her pay protection and she will be receiving salary of a Secondary Grade Teacher alone. Therefore, she has prayed for protection of her salary.

8. Per contra, the learned Additional Government Pleader appearing for the official respondents had contended that the petitioner was working as a Headmistress in an aided School, which has been closed. Therefore, for want of vacancy, the petitioner was placed on deputation to a Government School as a Secondary Grade Teacher. Since she was on deputation, the petitioner was continuing to receive the salary of the Headmistress. She cannot continue on deputation for more than three years. Therefore, under the impugned order, dated 07.02.2024, the petitioner has been deployed by way of transfer to the seventh respondent School, wherein only the vacancy of a Secondary Grade Teacher is available.



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9. The learned Additional Government Pleader further brought to the notice of this Court that since the petitioner has expressed her grievance that she will lose her salary as a Headmistress, proceedings were issued on 27.05.2024 transferring the petitioner from Ramalingam Primary School, Muthuramalingapuram to Vikravandi Union, Ayyoor Akaram, Villupuram District, as Headmistress. However, the petitioner is not willing to join the said place on the ground that it is 400 Kilometers away from her home town.

10. The learned counsel appearing for the petitioner, on instructions, submits that though the petitioner has been posted as a Headmistress at Vikiravandi Union at Ayyoor Akaram, the petitioner is ready to forgo the transfer order and posting order, as a Headmistress and she would like to continue as a Secondary Grade Teacher in the seventh respondent School. On instructions, the learned counsel appearing for the petitioner further submits that the petitioner would be ready to accept the salary of a Secondary Grade Teacher.

11. In view of the above said facts, this Court is inclined to pass the following orders:



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(i) *The order dated 27.05.2024, (though not challenged in the writ petition), is set aside and the petitioner is directed to join as a Secondary Grade Teacher in the seventh respondent School on or before **28.10.2024**;*

(ii) *The seventh respondent School is directed to permit the petitioner to join as a Secondary Grade Teacher and raise the salary bills of the writ petitioner from **28.10.2024** onwards;*

(iii) *Though the writ petitioner would be receiving the salary of a Secondary Grade Teacher, her services during this period should be calculated as the services of the Headmistress of a Primary School for all other purpose except claiming of monetary benefits or the pensionary benefits;*

(iv) *Whenever vacancy arises in the post of Primary School Headmistress in any other aided School or in the Government School in the nearby district, preference shall be given to the petitioner; and*

(v) *The issue relating to regularization of period between 07.02.2024 and 28.10.2024 and between 22.05.2024 and 27.10.2024 is left open.*



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12. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

21.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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