



WP(MD). No.10976 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 03/06/2024

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The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.10976 of 2024
and WMP(MD) No,9767 of 2024**

Nadar Primary School
represented by its Secretary
A.Madasamy

... Petitioner

Vs

1. State of Tamilnadu,
Represented by its Principal Secretary to the Government,
School Education Department,
Secretariat, Chennai 9.

2. The Director of Elementary Education,,
DPI Campus,
Chennai 6.

3. The District Educational Officer (Elementary),
District Educational Office,
Virudhunagar,
Virudhunagar District..

4. The Block Educational Officer,
Thiruchuzhi Union,
Virudhunagar District..

5. The Block Educational Officer,
Virudhunagar Block, Virudhunagar District..



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6. Shanmugalakshmi .V,
Secondary Grade Teacher,
K.K.S.S.N. Memorial Middle School,
Virudhunagar Union,
Virudhunagar District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No. 866/Aa1/2024 dated 13.04.2024 on the file of the respondent No. 3 and quash the same as illegal and consequently for a direction, directing the respondent No. 2 and 3 to transfer the 6th respondent on deployment in the sanctioned post of Secondary Grade Teacher which is vacant in the petitioners school within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman,

For Respondent : Mr.M.Siddharthan for R1 to R5
Additional Government Pleader

ORDER

Heard Mr.S.Muthupandi, learned counsel for the petitioner and Mr.M.Siddharthan learned Additional Public Prosecutor, for the respondents. Since no adverse order is going to be passed against the 6th respondent, notice to the sixth respondent is dispensed with.



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2. This writ petition has been filed challenging the order of the third respondent dated 13.04.2024 and for a consequential direction to the respondent Nos. 2 and 3 to transfer the 6th respondent on deployment in the sanctioned post of Secondary Grade Teacher, which is vacant in the petitioner's school within the time period stipulated by this Court.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. As per the submission of the learned counsel for the petitioner, there are 109 students studying in the petitioner's school and as per, the student strength, the school is entitled for four Secondary Grade Teachers. However, so far only two teachers have been sanctioned. Since several surplus teachers are working in other aided schools, the respondents ought to have deployed the surplus teachers to the petitioner's school, which has not been done so far. While so, the 5th respondent, who is on deputation to the petitioner's school, is willing to get transferred to the petitioner's school, for which, the petitioner has sent proposal to the respondents. However, the same has been rejected vide



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the order impugned and hence, challenging the same, the petitioner is before this Court.

5. It is seen that the deployment can be done only against the sanctioned vacancy in the petitioner's school. Even though the petitioner's claim is that the petitioner school is entitled for four teachers, as on today, only two teachers have been working. Hence the petitioner ought to have given a request to the second respondent for sanctioning additional post in accordance with the statutory requirements. However, it is learnt that the representation given has not been considered. Earlier a writ petition has been filed seeking to consider the representation of the petitioner and in the said writ petition, a direction was given to consider the said representation on 26.02.2024, vide WP(MD) NO.4352/2024.

6. If no orders are passed pursuant to the above direction, the petitioner ought to have filed a contempt petition. However, it is the contention of the learned counsel for the petitioner that the third respondent has passed the rejection order, though the first respondent has to comply the order. In such case, the petitioner is at liberty to give a



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request once again to the concerned respondent for considering the petitioner's prayer to deploy the 6th respondent to be appointed in the petitioner's school. As stated supra, there is no post fell vacant as on today as against the sanctioned vacancy. However, it is seen that since the petitioner's school is in need of one more Teacher as it has got sufficient student strength. Hence, the representation of the petitioner could have been considered favourably instead of limiting the task by giving deputation.

7. The learned Additional Government Pleader submitted that the respondents have no hesitation to extend the deputation of the 6th respondent considering their demand

8. The petitioner school shall send a proposal for continuing the deputation of the 6th respondent to the respondents. The respondents shall consider/renew the request of the petitioner for sanction of additional post in terms of the earlier orders of this Court dated 26.02.2024.



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9. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

03.06.2024

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TO

1. State of Tamilnadu,
Represented by its Principal Secretary to the Government,
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Chennai 9.

2. The Director of Elementary Education,,
DPI Campus,
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3. The District Educational Officer (Elementary),
District Educational Office,
Virudhunagar,
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R.N.MANJULA,J

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