



WP(MD)No.15244 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.15244 of 2019

and

WMP(MD)Nos.11777 to 11779 of 2019

Babu J.V.

.. Petitioner

v.

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St.George,
Chennai – 9.
- 2.The Director of School Education,
DPI Campus,
Chennai – 6.
- 3.The Joint Director of School Education (Higher Secondary),
DPI Campus,
Chennai – 6.
- 4.The Chief Educational Officer,
Chief Educational Office,
Pudukottai,
Pudukottai District.



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5.The Chief Educational Officer,
Chief Educational Office,
Tirunelveli,
Tirunelveli District.

6.The District Educational Officer,
District Educational Office,
Pudukottai District.

7.The District Educational Officer,
District Educational Office,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned Government Order in G.O.(1D)No.217, School Education [Pa.Ka.5(1)] Department dated 20.06.2019 on the file of the first respondent, quash the same insofar as Clause No.4(III)(ii) and consequently, directing the respondents to permit the petitioner to continue in the present station or petitioner's willingness by extending the benefit of Clause 4(III)(i) provided in G.O.(1D)No.217, School Education [Pa.Ka.5(1)] Department dated 20.06.2019 in view of the petitioner's kidney transplantation.



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For Petitioner : Mr.D.Nallathambi
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner is a BT Assistant Teacher working in Government High School, Radhapuram, Tirunelveli District. He has filed this writ petition challenging the Government Order in G.O.(1D)No.217, School Education [Pa.Ka.5(1)] Department dated 20.06.2019, which gave certain directions with regard to deployment of surplus teachers. According to the petitioner, he is having some medical conditions and that the present impugned Government Order does not speak about the concession extended to such health conditions, which the earlier Government Order addressed. Hence, the petitioner has filed this writ petition.

2.When the writ petition came up for hearing, learned Additional Government Pleader, on instructions, submitted that the Government has taken a policy decision to debut the surplus teachers to the Anganwadi



Centres for teaching Kinder Garden Students. However, he further submitted that the said portion Government Order has been withdrawn by the Government. Insofar as the petitioner is concerned, he is not working in the surplus post and as such, nothing survives for further adjudication in this writ petition.

3.It is not known as to how a Teacher, with a qualification for taking higher classes and drawing higher pay, shall be deputed for Anganwadi Centre. This Court fails to understand the basis on which such deputation was made. On the one hand, approvals for appointments were made by the Department unmindful of the Teacher - Student Ratio and on the other hand, the very same Department, by terming these appointments as surplus, deposes the excess Teachers to such Anganwadi Centres. Had the Department acted vigilantly at the approval stage itself, this situation could have been averted.

4.Be that as it may, since it is now reported that the Government Order, based on which such deputation has been made itself, has been



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withdrawn and that the petitioner is not working in the surplus post, this writ petition stands closed as no further order is required to be passed.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
gk

09.12.2024

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