



W.P.(MD).No.11760 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.(MD).No.11760 of 2024
and WMP(MD) No.10502 of 2024

P.Selvaraj

... Petitioner

Vs

1. The Director,
Department of School Education,
Chennai.
2. The Chief Educational Officer,
Madurai District @ Madurai.
3. The Secretary / Correspondent,
Balamandiram Higher Secondary School,
Old Natham Road, Madurai - 625 014.
4. The Secretary / Correspondent,
Mnu Jeyaraj Nadar Higher Secondary School,
Nagamalai Pudhukottai,
Madurai.

... Respondents

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 from the



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2nd respondent in her proceedings in Na.Ka. No.7202/A5/2023, dated 30.05.2024 and quash the same.

For Petitioner : Mr. N.Sathish Babu

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

Heard Mr.N.Sathish Babu, learned Counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents.

2.The petitioner is aggrieved due to the order of deployment, in which, he was deployed to the 4th respondent School.

3.The learned counsel for the petitioner submitted that he was originally working as a B.T. Assistant (English) in the third respondent School. The School has got sufficient student strength to retain one more B.T. Assistant (English) Hence, the petitioner's post should not be treated as surplus in order to deploy him in the 4th respondent School.



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4.As far as the petitioner is concerned, he is only an employee under the third respondent School. It is for the third respondent School Management who has to claim that the School has got a right to retain the B.T Assistant (English), without getting it declared as surplus or to challenge the order, in which, one B.T.Assistant English is declared as surplus. In the absence of any challenge from the School Management, the proceedings of the second respondent declaring one B.T. Assistant post in the third respondent School as surplus remains good. The petitioner who is an employee cannot claim that the staff sanction structure is improper.

5.The learned counsel for the petitioner submitted that there is some dispute among the Management Committee of the School and hence, the District Collector has assumed control by being the President of the School.

6.In such case, the petitioner can give a request to the District Collector, Madurai to consider and take steps, if any, to retain one B.T.Assistant (English), in view of the sufficient student strength available in the 3rd respondent School, by setting aside the declaration of one such post as



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surplus. As the petitioner has filed this writ petition even before getting any order from the Government for retaining the petitioner, it is a pre-matured one.

7.In view of the above stated reasons, this writ petition stands **dismissed**. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.06.2024

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

To

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R.N.MANJULA, J.

PNM

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