



W.P.(MD).No.12010 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12010 of 2024

and

W.M.P.(MD).No.10690 of 2024

Chitradevi

... Petitioner

Vs.

- 1.The Director of Elementary Education,
DPI Campus,
Nungampakkam,
Chennai – 34.
- 2.The Chief Educational Officer,
(Virudhunagar Educational District),
Virudhunagar District.
- 3.The District Educational Officer,
(Elementary Education),
(Virudhunagar Educational District),
Virudhunagar District.
- 4.The District Educational Officer,
(Elementary Education),
Sivakasi Educational District,
Virudhunagar District.
- 5.The Block Educational Officer,
Kariyapatty Union,
Virudhunagar District.



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6.The Block Educational Officer,
Watrap Union,
Virudhunagar District.

7.Nirmala Devi,
Secondary Grade Teacher,
Panchayat Union Primary School,
Watrap,
Watrap Block,
Virudhunagar District.

8.Krishnakumar,
Secondary Grade Teacher,
Panchayat Union Primary School,
Watrap,
Watrap Block,
Virudhunagar District.

9.Velusamy,
Secondary Grade Teacher,
Panchayat Union Primary School,
Thulukapatty,
Watrap Block,
Virudhunagar District.

10.Meenakshi,
Secondary Grade Teacher,
Panchayat Union Primary School,
Kansapuram,
Watrap Block,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 6 herein to transfer the petitioner by replacing the respondents 7 to 10 by considering the petitioner's representation dated 23.05.2024 in



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accordance with G.O(1D).No.217, Department of School Education (pa.ka.5D) dated 20.06.2019.

For Petitioner : Mr.P.Ganapathi Subramanian

For R-1 to R-6 : Mr.T.Amjad Khan
Government Advocate

ORDER

Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 1 to 6.

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

3. This Writ Petition has been filed for issuance of Writ of Mandamus seeking direction against the respondents 1 to 6 to transfer the petitioner by replacing the respondents 7 to 10 by considering the petitioner's representation dated 23.05.2024 in accordance with G.O(1D).No.217, Department of School Education (pa.ka.5D) dated 20.06.2019.



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4. Mr.P.Ganapathi Subramanian, learned counsel for the petitioner submitted that the petitioner was initially appointed as Secondary Grade Teacher in the year 2012 in the Panchayat Union Priamary School, Puliur, Alangayam Panchayat Union, Vellore District and subsequently, she was transferred to Panchayat Union Primary School, Melapalayam Watrap, Virudhunagar District in the year 2014. Due to reduction of student's strength, the petitioner was transferred to Panchayat Union Middle School, Suranoor, Kariyapatty Block, Virudhunagar District and she joined duty on 01.03.2022. Now, the grievance of the petitioner is that even though the petitioner was deployed due to reduction of student's strength, she has to be re-accommodated in the original Union in accordance with guidelines formulated in the Government Order in G.O(1D).No.217, Department of School Education (pa.ka.5D) dated 20.06.2019. As per the said Government Order, if a person is deployed to some other union due to surplus, the priority has to be given to those persons, who have got disturbed due to transfer and they have to be re-posted in the original union, whenever vacancy arises.

5. But, in the instant case, the private respondents who have been recruited at a later point of time have been accommodated in the Watrap



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Union, where the petitioner was originally working. So, it is completely in violation of the Government guidelines of deployment.

6. Mr.T.Amjad Khan, learned Government Advocate for the respondents 1 to 6 submitted that those orders have been passed on the administrative grounds and there are persons who were already deployed prior to the petitioner and the petitioner can be accommodated in the same union only after her seniors were accommodated or after getting no objection from her seniors.

7. The petitioner does not seek any priority over the seniors in the matter of re-deployment. But the petitioner's only grievance is that the juniors of the petitioner are given posting in the places where the petitioner and others have to be accommodated. Even for administrative reasons, the respondents cannot issue transfer orders by violating the guidelines for deployment. There may be seniors to the petitioner who may or may not intend to come back to the parent union, so that the petitioner does not stand on those reasons. Just because the seniors of the petitioner did not challenge those posting given to the juniors in the same union, on which the petitioner has got priority, the petitioner's



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entitlement cannot be prevented. While working out the transfer orders in accordance with the above Government Order, the respondents are at liberty to seek whether the seniors of the petitioner are interested or not in going back to their own Union.

8. Since the administrative contingency actually arisen now is in view of the violation of the earlier guidelines, the respondents are directed to recheck the posting orders issued in favour of the individuals who have been accommodated in the Union in violation of the Government Order in G.O(1D).No.217, Department of School Education (pa.ka.5D) dated 20.06.2019 and pass appropriate orders by complying the guidelines as early as possible.

9. With the above observations, this Writ Petition is **disposed of**.
No costs. Consequently, connected miscellaneous petition is closed.

10.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

Nsr

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