



WP(MD) No.12137 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.12137 of 2024

and

W.M.P(MD)Nos.10777 & 10778 of 2024

S.Poorna Kala

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
School Education Department,
Secretariat,
Chennai - 9.

2. The Director of School Education,
DPI Campus,
Chennai - 6.

3. The Chief Educational Officer,
Tirunelveli.

...Respondents



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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. 6357/A2/2023 dated 03.06.2024 on the file of the respondent No.3 and quash the same as illegal in so far as including the petitioner in the List of Surplus Teachers is concerned and consequently for a direction, directing the respondent No.3 not to transfer the petitioner on deployment without considering the objection preferred by the petitioner, dated 04.06.2024.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

The petitioner has filed this writ petition seeking for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.6357/A2/2023 dated 03.06.2024 on the file of the respondent No.3 and quash the same as illegal in so far as it



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includes the petitioner in the List of Surplus Teachers and consequently for directing the respondent No.3 not to transfer the petitioner on deployment without considering the objection preferred by the petitioner, dated 04.06.2024.

2. Heard Mr.T.Aswin Raja Simman, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.

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

4. The petitioner who has been deployed on the ground of surplus has filed this writ petition seeking to call for the records relating to the impugned order in Na.Ka.No.6357/A2/2023 dated 03.06.2024 on the file of the third respondent and quash the same as illegal and direct the third respondent not to transfer the petitioner on deployment without considering the objection of the petitioner.



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5. The petitioner has stated that there is no surplus Teacher available in the petitioner's school and hence, the petitioner shall not be disturbed now. The contention of the petitioner is that there are more juniors than the petitioner and without disturbing the junior most persons, the petitioner is directed to attend the counselling. The petitioner is working as a B.T Assistant (Maths) in NVC Government Higher Secondary School, Radhapuram, Tirunelveli District. For the year 2023-2024, the sanctioned post in the B.T Assistant is six and one post is declared as surplus.

6. The learned Government Advocate submitted that the petitioner is the junior most person in B.T Assistant (Maths), even though there are juniors available in the post of B.T Assistant (English). When the post is identified in a particular subject, i.e., B.T Assistant posts, the petitioner cannot compare herself with the other juniors who are also B.T Assistant posts, but for different subjects. The writ petition itself is a misconceived one.



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7. Hence, the writ petition is **dismissed**. No costs.

Consequently, connected miscellaneous petitions are closed.

10.06.2024

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

RM

To

1. The State of Tamil Nadu,
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.12137 of 2024

Dated:
10.06.2024