



W.P.(MD).Nos.12437 and 12438 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)Nos.12437 and 12438 of 2024

and

W.M.P.(MD)Nos.11021, 11023, 11025 and 11028 of 2024

W.P.(MD)No.12437 of 2024:

The Secretary,
Maipparai High School,
Maipparai Post,
Tiruvengadam Taluk – 627 713,
Tenkasi District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
- 3.The Joint Director of School Education,
College Road,
Chennai – 600 006.
- 4.The Chief Educational Officer,
Tenkasi, Tenkasi District.
- 5.The District Educational Officer,
Tenkasi,
Tenkasi District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the fourth respondent CEO in Na.Ka.No.4347/Aa2/2023 dated 30.05.2024 (served to the school through e-mail on 07.06.2024), quash the same insofar as one Physical Education teacher namely, P.Ananthabagu (single cadre post) from the petitioner-school to other aided school.

For Petitioner : Mr.P.Muthuvel

For Respondents : Mr.T.Amjad Khan
Government Advocate

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For Petitioner : Mr.P.Muthuvel

For Respondents : Mr.T.Amjad Khan
Government Advocate

COMMON ORDER

Heard Mr.P.Muthuvel, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents.

2. The petitioner school is aggrieved due to deployment of one Physical Education teacher, namely, P.Ananthabagu (single cadre post)



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and one B.T.Assistant (Maths), namely, M.Kalimuthu from the petitioner-school to other aided school.

3. Mr.P.Muthuvel, learned counsel for the petitioner submitted that single cadre post for any school cannot be considered as surplus and hence, the said P.Ananthabagu ought not to have been deployed. The petitioner is aware of the fact that the staff fixation for the year 2023-2024 has already been done and one post of Physical Educational Teacher and one post of B.T.Assistant (Maths) have been declared as surplus.

4. Earlier, the petitioner has filed Writ Petition in W.P.(MD). No.30359 of 2023, challenging the Staff-fixation settled by the fourth respondent - CEO, for the academic years 2018-2019, 2022-2023 and 2023-2024 and the same is still pending before this Court. In such circumstances, the teachers who are handling Physical Education and B.T.Assistant (Maths) have been deployed to some other School.

5. But the petitioner School should foresee a difficulty for the teachers till the disposal of the Writ Petition in view of the risk they



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might face in getting the financial crisis for their salary. If the teacher is retained in surplus posts, the School may not get funds from the Government for the salary attached to such posts. If the petitioner School gets a favourable order in the Writ Petition which is already pending before this Court, then it will be appropriate for the petitioner to renew his request for redeploying his teachers to his School by way of making a representation or if needed by way of filing a Writ of Mandamus seeking direction.

6. With the above observations, the Writ Petitions are **disposed of**.

No costs. Consequently, connected miscellaneous petitions are closed.

12.06.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr



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To:
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R.N.MANJULA, J.

Nsr

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