



W.P.(MD)No.12448 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.12448 of 2024

and

W.M.P.(MD).Nos.11035 & 11037 of 2024

S.Jothi Krishna Kumari

... Petitioner

Vs.

1.The Director of School Education,
D.P.I Complex, College Road,
Nungambakkam,
Chennai-600 006.

2.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari Mandamus, calling for the records of the respondents resulting in the impugned order of the second respondent dated 07.06.2024 passed in Na.Ka.No.6758/Aha 2/2023 enclosing the impugned list of the surplus post with person-BT Assistant name for Government High School and Government Higher Secondary School dated 07.06.2024 and quash the same insofar as the petitioner is concerned and direct the second respondent to permit the petitioner to continue to work at Government High School, Anaiyur, Sivakasi, Virudhunagar District, by considering the relevant Government Order and Government Rules.



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For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.T.Amjadkhan,
Government Advocate

ORDER

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

2. Heard Mr.V.R.Venkatesan, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

3. This Writ Petition has been filed challenging the impugned order passed by the second respondent in Na.Ka.No.6758/Aha 2/2023 dated 07.06.2024 insofar as the petitioner is concerned and consequently to direct the second respondent to permit her to continue to work at the Government High School, Anaiyur, Sivakasi, Virudhunagar District, by considering the relevant Government Order and Government Rules.

4. The limited point raised by the petitioner is that the petitioner, who is the senior (B.T. Assistant Social Science) working in the School has been listed



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in the list containing the names of the Teachers meant for deployment on the ground of surplus. But her junior who were also working in the same post were not included in the list and without even giving any opportunity to make her submissions, she was forced to participate in the counselling and hence, the impugned list contained in the petitioner's name has to be quashed as against the petitioner and a direction should be given to the second respondent to permit her to continue to work at the Government High School, Anaiyur, Sivakasi, Virudhunagar District.

5. Mr.R.Venkatesan, learned counsel appearing for the petitioner submitted that the petitioner is going to retire from service in the year 2025.

6. Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents submitted at the time when staff fixation was fixed for the petitioner's School during August 2023 itself, the petitioner came to know that she was treated as a surplus post.

7. In fact, the petitioner had fixed a signature stating that the particulars contained her name as surplus is correct. But thereafter, the petitioner has not chosen to challenge that she has been shown in the surplus list despite she being



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the senior in the post of BT Assistant (Social Science). After counselling was over, now the petitioner has challenged the list dated 07.06.2024. Subsequent to the publication of the list counselling has been conducted and as per the instructions made by the learned Government Advocate even posting orders have already been communicated to the respective Schools.

8. Even though the petitioner states that one S.S.Murugesan who is junior in the same category ought to have been considered in deployment. The said S.S.Murugesan has not been arrayed as a party to the proceedings. Since the counselling has been over and the posting orders have also been issued to the respective Schools, I feel that it is appropriate for the petitioner to make representation to the respondent Authority.

9. In view of the above, the Writ Petition is **disposed of** with a direction to the petitioner to make a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the representation and pass appropriate orders on its own merits in accordance with law within a period of four weeks thereafter and the copy of the order to be communicated to the petitioner. If the petitioner is not satisfied with the order so passed by the



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second respondent she can have the liberty to challenge the same by making the very same contentions which she has made in the Writ Petition. Consequently, connected miscellaneous petitions are closed. No costs.

13.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The Director of School Education,
D.P.I Complex, College Road,
Nungambakkam,
Chennai-600 006.
- 2.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.



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R.N.MANJULA, J.

TSG

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