



W.P.(MD)No.12449 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.12449 of 2024

and

W.M.P.(MD).Nos.11038 & 11042 of 2024

S.Shankeswari

... 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 West, Virudhunagar District by considering her representation dated



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23.11.2023 and 07.06.2024 and the relevant Government Order and Government Rules.

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. The petitioner, who is aggrieved due to the impugned list of surplus post including her name in the post of B.T. Assistant (Tamil), has filed this Writ Petition to quash the impugned order passed by the second respondent in Na.Ka.No.6758/Aha 2/2023 dated 07.06.2024 and consequently to direct the second respondent to permit the petitioner to continue her to work at the Government High School, Anaiyur, Sivakasi West, Virudhunagar District, by considering the petitioner's representations dated 23.11.2023 and 07.06.2024 and also by considering the relevant Government Order and Government Rules.



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3. The petitioner, who was promoted to the post of B.T. Assistant (Tamil) on 20.10.2003, was working at the Government Higher Secondary School, Keelarajakularaman, Virudhunagar District and subsequently, she was transferred to the Government High School, Anaiyur, Sivakasi West, Virudhunagar District on 01.03.2014 and from that date onwards, the petitioner is working as B.T. Assistant (Tamil).

4. On 01.08.2023, the second respondent prepared a list of surplus teachers in various Schools in and around Virudhunagar District in pursuant to the Government Order in G.O.(Ms).No.176, School Education (SE5(1)) Department, dated 17.12.2021. As per the Guidelines, for deployment of surplus teachers, the junior most teacher available in a School has to be considered for deployment.

5. Even the staff fixation for the petitioner's School has not been properly done in accordance with the students available therein. Once a deployment is done in respect of an individual teacher, no further deployment should be done within a period of three years from the date of first deployment. Three persons were deployed in violation of the Rules to the petitioner's School even when they are not needed to be deployed and sufficient teachers as per the Rules are



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already working in the petitioner's School. The three teachers, who have been deployed to the petitioner's School, have been deployed just to accommodate them in the place of their preference.

6. The petitioner states that the name of one P.Chellapandian has been included in the list of surplus teachers and thereafter, his name has been deleted and the name of the petitioner has been included in the list of surplus teachers. The said P.Chellapandian has not been arrived as a party in this petition. Infact, the petitioner had given a detailed representation on 23.11.2023 even before the surplus list was released to consider the petitioner's retention in the Government High School, Anaiyur, Sivakasi West, Virudhunagar District, in view of the seniority. But her representation has not been considered and the list has been released on 07.06.2024 by including the name of the petitioner. The petitioner has once again sent a representation on 07.06.2024 stating that the deployment has not been done in accordance with the Government Rules. Without considering the same, the petitioner was compelled to participate in the counselling. Therefore, she has filed this Writ Petition.

7. Mr.V.R.Venkatesan, learned counsel appearing for the petitioner, submitted that the petitioner has already given her objection at the time when



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the list of teachers kept under surplus is released and also at the time, when the list of surplus teachers containing the name of the teachers, who are meant to participate in the counselling for deployment.

8. Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents, submitted that the name of the petitioner has already been included and infact, she also required to be participated in the counselling. It is stated that the petitioner has participated in the counselling and the deployment order has already been sent to the petitioner's School.

9. The petitioner had given representations even before issuance of the surplus list, but, her representations have not been considered and no orders have been passed so far. Hence, I feel that the order of deployment issued to the petitioner to some other School should be reconsidered by the respondents in the light of the submissions made by her. Since the posting order is said to have been issued already, the respondents shall consider the representations of the petitioners.

10. In view of the above, the Writ Petition is **disposed of** with a direction to the second respondent to consider the representations made by the petitioner



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on its own merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. Until such time, the petitioner shall not be relieved from the Government School, Anaiyur, Sivakasi West, Virudhunagar District, without prejudice to her entitlement of salary and other service benefits for the period till which the second respondent shall pass an order on the representations made by the petitioner. The copy of the order shall be communicated to the petitioner.

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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