



WP(MD). No.13180 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 20/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.13180 of 2024 and
WMP(MD) No.11671 of 2024**

R.Alagarajan

... Petitioner

Vs

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

2. The District Educational Officer
Secondary, Sivakasi,
Virudhunagar District..

3. Vinoth Kumar,
Pet-33260101403,
Hindu High School,
Gopalapuram,
Aruppukottai Taluk,
Virudhunagar District..

... Respondents

PRAYER :-Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records of the 1st respondent in his proceedings in Na.Ka.No. 6677/A4/2023 dated 30.05.2024 and quash the same as illegal, arbitrary, violation of law.



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For Petitioner : Mr.M.Jothi Basu,
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

By consent, the writ petition itself is taken for final disposal.

2. Heard Mr.M.Jothi Basu, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to the 3rd respondent is dispensed with.

3. The petitioner has filed this writ petition challenging the proceedings of the 1st respondent dated 30.05.2024.

4. The impugned order has been passed to deploy one Vinothkumar to the petitioner school from the school at Aruppukottai, where his post was found to be surplus.

5. The petitioner is claiming that in the petitioner's school, there



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are three sanctioned posts of Physical Education Teachers, out of which, one post fell vacant pursuant to a retirement of a teacher in the year 2017.

Since then there was vacancy for the said post. Though the petitioner has sought permission to fill up the said post, no permission was accorded for the same. Since the petitioner's school contain 1606 students, out of which 1404 are male students and 202 are female students, for the welfare of the female students, the third physical education teacher should be a female teacher. However, a male teacher has been deployed to the petitioner school in that vacancy vide the impugned order of the respondents and hence, the petitioner is before this Court.

6. It is to be noted that if the deployed teacher/individual does not join in the reserved post, then the individual will be at loss and he may not be in a position to get his salary for the period, for which, he would be out of service. Hence, the impugned order cannot be set aside to the detriment of an individual in whose favour the deployment has been effected. However, the petitioner has stated that he has already given a representation on 18.06.2024 to consider his request to substitute a female teacher in the place of a male teacher for the post of Physical



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Education Teacher. In such case, the respondents are directed to consider the representation of the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

20.06.2024

RR

TO

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

2. The District Educational Officer
Secondary, Sivakasi,
Virudhunagar District..



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R.N.MANJULA,J

RR

**ORDER
IN
WP(MD) No.13180 of 2024**

Date : 20/06/2024